



1887

## The Laws of Jamaica, 1887

Jamaica

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LAWS OF JAMAICA.

PASSED IN THE YEAR

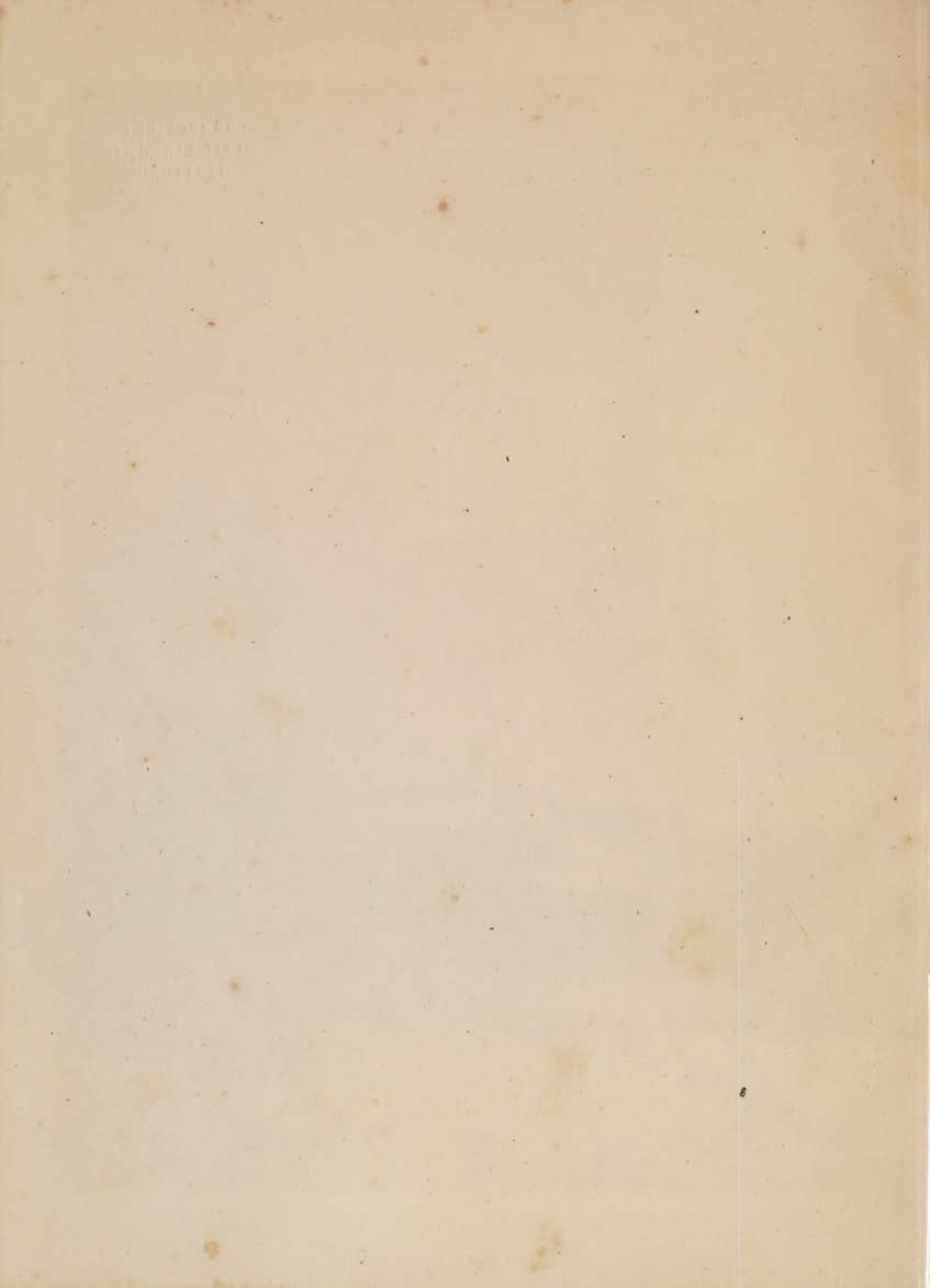
1887.

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THE

# L A W S O F J A M A I C A

PASSED IN

A SESSION WHICH BEGAN ON THE 13TH DAY OF APRIL AND  
ADJOURNED ON THE 9TH DAY OF MAY, 1887.

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PUBLISHED BY AUTHORITY.

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NOV 4-1910

J A M A I C A :  
GOVERNMENT PRINTING ESTABLISHMENT.

1887.

RECEIVED  
JAN 10 1880  
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SOLICITOR GENERAL

1880

# LAW OFFICE

W. H. HARRIS

THIS OFFICE TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES  
OF THE UNITED STATES OF AMERICA

PROCEEDINGS OF THE SENATE

LAW OFFICE  
JAN 10 1880

1880

1880



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Rules relating to the Duties of Inspectors of the Poor.

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# STATUTES AND LAWS

*Repealed, Amended or otherwise affected by Laws 1-17 of 1887.*

Statutes and Laws Repealed or Amended.	How Affected.	Number of Laws of 1887.
* Law 22 of 1872	... Incorporated with	Law 1.
Law 16 of 1881	{ Incorporated with Section 11 repealed by	} Law 3.
* 28 Vic., ch. 5		
✓ Law 32 of 1885	... Sections 2 and 8 amended by	} Law 4.
✓ Law 4 of 1886	... Repealed by	
* 28 Vic., ch. 41	{ Incorporated with	Law 5.
* Law 32 of 1868		
* Law 29 of 1872	{ Repealed by	Law 6.
✓ Law 21 of 1881		
✓ Law 38 of 1869	{ Repealed by	Law 7.
✓ Law 26 of 1870		
* Law 9 of 1867	{ Repealed by	Law 8.
✓ Law 1 of 1874		
✓ Law 4 of 1883	... Section 24 amended by	Law 10.
* Law 44 of 1872	... Section 14 amended by	Law 11.
Law 36 of 1881	{ Sections 1, 3, 4, 6, 7, 16 and Schedule B amended by	} Law 12.
Law 9 of 1869		
Law 11 of 1875	{ Sections 13, 16, 17, 18, 19, 21, 22, 31 and 34 amended by	} Law 14.
Law 6 of 1867		
* Law 26 of 1886	{ And other Laws in aid of incor- porated with	} Law 15.
Law 16 of 1883		
✓ Law 22 of 1874	{ Repealed by Sections 1 to 9, 11 to 14, 19 to 30, 40, 241, 244, 245, 246, 248, 256, 260, 261 repealed by. Remainder of Law made ap- plicable to Resident Magis- trates Courts by	} Law 17.





Incor. 3/91.  
Enclined. 3/94.  
Amo. 1 of 1896.

## JAMAICA—LAW 1 OF 1887.

*The British and Foreign Postage Stamps Forgery Law, 1887.*

[29th April, 1887.]

**W**HEREAS it is expedient to provide for the punishment of persons forging or uttering forged British or Foreign Postage Stamps:—

Preamble

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

1—For the purposes of this Law, the expression “Postage Stamp” shall mean any piece of paper or other material bearing the words, forms, devices or characters, commonly borne by the Stamps used in any Country to express or denote payment of the rate or duty payable on the transmission of letters, papers, parcels or other things, transmissible through the Post Office of that Country.

Interpretation  
clause.

The term “British Postage Stamp” shall mean any Postage Stamp used as aforesaid in any of the Dominions of Her Majesty except this Island.

The term “Foreign Postage Stamp” shall mean any Postage Stamp used as aforesaid in any Country outside Her Majesty's Dominions.

2—In any prosecution under this Law, the evidence of the Postmaster for Jamaica, or of the Chief Clerk in the office of the said Postmaster, that to the best of his knowledge and belief any piece of paper or other material produced is a Postage

Prima facie Evidence as to Postage Stamp.

Stamp in use in any Country to express or denote payment of the rate or duty payable on the transmission as aforesaid in that Country, shall be *prima facie* evidence that such piece of paper or other material is a Postage Stamp used in that Country.

Forgery of Stamps  
or dies, &c., for  
Stamps.

3—Whosoever shall forge or counterfeit, or cause or procure to be forged or counterfeited, any British or Foreign Postage Stamp, or any part thereof, or who shall knowingly utter, dispose of or put off, any forged or counterfeited British or Foreign Postage Stamp, or any part thereof, or who shall forge or counterfeit, or procure to be forged or counterfeited, any die, plate or other instrument, from which a British or Foreign Postage Stamp, or a Stamp apparently intended to resemble a British or Foreign Postage Stamp, might be printed or otherwise produced, or any part of any such die, plate or instrument, or shall have any such forged or counterfeited Postage Stamp, or die, plate or instrument, in his possession with intent in any such case to defraud Her Majesty or any Foreign Prince or State, or the Post Office Authorities of Her Majesty or any Foreign Prince or State, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding fourteen years, or to be imprisoned, with or without hard labour, for any term not exceeding two years.

Penalty.

Law 22 of 1872  
incorporated.

4—This Law and Law 22 of 1872 shall be incorporated and be read and construed together as one Law.

Ref: 1 of 1896.  
Law to extend to  
Turks and Caicos  
Islands.

5—The Provisions of this Law shall be deemed and taken to extend and apply to the Turks and Caicos Islands.



## JAMAICA—LAW 2 OF 1887.

*A Law to provide for the Preservation of copies of Books printed in Jamaica, and for the Registration of such Books.*

[29th April, 1887.]

**W**HEREAS it is expedient to provide for the preservation of copies of every Book printed or lithographed in Jamaica, and for the Registration of such Books:—

Preamble.

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

1—This Law shall come into operation on the first day of July, one thousand eight hundred and eighty seven.

Commencement of Law.

2—In this Law, unless the context otherwise requires, the term "Book" shall be construed to mean and include every volume, part or division of a volume, pamphlet, sheet of music, map, chart or plan, separately printed or lithographed; but it shall not include any newspaper, or any publication which consists merely of a price list, sale catalogue, annual report, trade circular or trade advertisement.

Definition of "Book".

3—Three printed or lithographed copies of the whole of every Book which shall be delivered out of the press in this Colony after this Law shall come into force, together with all maps, prints or other engravings, belonging thereto, finished and coloured in the same manner as the best copies of the same shall be produced, and also of any second or subsequent Edition which shall be so produced, with any additions or alterations, whether the same shall be in letter-press, or in the

Delivery of three Copies of each Book to a Government Officer.



maps, prints or other engravings belonging thereto, and whether the first Edition of such Book shall have been produced before or after this Law shall come into force, shall, within one calendar month after the day in which any such Book shall first be delivered out of the press, and notwithstanding any agreement (if the book be published) between the Printer and Publisher thereof, be delivered free of any charge, claim or demand, whatsoever by the Printer, bound, sewed or stitched together, and upon the best paper on which the same shall be printed or lithographed, at such place and to such officer as the Governor, with the advice of the Privy Council, shall, by notification in the Jamaica Gazette, from time to time direct. The Publisher or other person employing the Printer shall, in case somebody other than such Printer shall have the preparation of any such map, print or engraving as aforesaid, at a reasonable time before the expiration of the said month, supply him with all maps, prints and engravings, finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid. Provided that in cases where the delivery of three copies shall in the opinion of the Governor inflict injury on any Author or Publisher one copy shall be deemed sufficient.

*Proviso.*

*Receipt therefor.*

4—Such officer shall thereupon give a receipt in writing for the copies or copy so received.

*Disposition of  
Copies delivered.*

5—Where three copies are delivered one of such copies shall be transmitted to the Trustees of the British Museum, another copy shall be disposed of as the Governor with the advice of the Privy Council shall from time to time, by general or special order, direct, and the remaining copy shall, after a Memorandum containing the particulars hereinafter mentioned respecting the Book shall have been registered as hereinafter provided, be deposited in such Public Library, or be otherwise disposed of, as the Governor shall from time to time determine. Provided that where only one copy shall be delivered as stated in Section 3, such copy shall be deposited in the Public Library or other place as last aforesaid.

*Registration of  
Books so delivered.*

6—There shall be kept at such office, and by such officer,

as the Governor with the advice of the Privy Council shall appoint in this behalf, a book to be called "A Catalogue of Books printed in Jamaica," wherein shall be registered a Memorandum of every Book which shall have been delivered pursuant to Section 3 of this Law;—such Memorandum shall (so far as may be practicable) contain the following particulars (that is to say):—

- (1) The title of the Book and the contents of the title page, with a translation into English of such title and contents when the same are not in the English language: Particulars to be registered.
- (2) The language in which the Book is written :
- (3) The name of the Author, Translator or Editor, of the Book, or any part thereof :
- (4) The subject :
- (5) The place of printing and the place of publication :
- (6) The name or firm of the Printer, and the name or firm of the Publisher :
- (7) The date of issue from the press or of the publication :
- (8) The number of sheets, leaves or pages :
- (9) The size :
- (10) The number of the Edition :
- (11) The number of copies of which the Edition consists :
- (12) Whether the Book is printed or lithographed :
- (13) The price at which the Book is sold to the public : and
- (14) The name and residence of the Proprietor of the copyright, or of any portion of such copyright.

Such Memorandum shall be made and registered, in the case of each Book, as soon as practicable after the delivery of the copies thereof in manner aforesaid.

7—The Memoranda registered during each quarter in the said Catalogue shall be published in the Jamaica Gazette, as soon as may be after the end of each quarter, and a copy of the Memoranda so published shall be sent to the Secretary of State for the Colonies. Publication and transmission of Memoranda registered.

8—Every Printer who shall neglect to deliver the copy or copies of any Book, in accordance with the Provision of Sec- Penalty for not delivering Copies.

tion 3 of this Law, or of any second or subsequent Edition of any such Book, together with such maps, prints or engravings, as aforesaid, in compliance with the terms of the said Section, to the officer and in the manner hereinbefore prescribed, shall be guilty of an offence, and being summarily convicted thereof before two Justices shall forfeit and pay any sum not exceeding Five Pounds.

Penalty on Publisher, &c., not enabling Printer to comply with Section 3.

9—Every Publisher, or other person employing any such Printer, who shall neglect to supply such Printer in manner aforesaid with maps, prints or engravings, finished and coloured as aforesaid, which may be necessary to enable such Printer to comply with the Provisions of the said Section, shall be guilty of an offence, and being summarily convicted thereof before two Justices shall forfeit and pay any sum not exceeding Five Pounds.

Power to make Rules.

10—The Governor, with the advice of the Privy Council, shall have power to make such Rules as may be necessary or desirable for carrying out the objects of this Law, and from time to time to repeal, alter and add to, such Rules.

All such Rules, and all repeals and alterations thereof, and additions thereto, shall be published in the Jamaica Gazette.

Power to exempt classes of Books from this Law.

11—The Governor, with the advice of the Privy Council, may, by Notification in the Jamaica Gazette, exclude any class of Books from the operation of the whole or any part or parts of this Law.



# JAMAICA—LAW 3 OF 1887. *Incorr. 25 of 1900*

*The Maintenance Law, 1881, Extension Law, 1887.*

[21st May, 1887.]

**W**HEREAS it is expedient to extend the Provisions of the Maintenance Law, 1881, so as to apply to cases where women are deserted and left destitute by their husbands, and also to amend the said Law :—

Preamble.

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows :—

1—For the purposes of the Maintenance Law, 1881, every man shall be liable and is hereby required to maintain his wife, irrespectively of her being able to maintain herself : Provided always that no Order for the payment of any sum of money by the husband of any married woman shall be made against such husband, under the Provisions of the said Law, if it be proved before the Justices to whom application for such Order is made that the wife has committed adultery, (unless such adultery has been condoned,) or that the wife has wilfully and without just cause deserted her husband ; and any Order for payment of any such sum as aforesaid may be discharged by any two Justices upon proof that the wife has since the making thereof committed adultery.

Liability of husband to support his wife.

Proviso as to granting and discharging Order for Maintenance.

2—Every person who, by work or other means, is able to maintain himself and his wife and children, and who shall refuse or neglect so to do, and every person who shall wilfully abandon his wife or children, whereby in either case such wife

Penalties on neglecting to maintain wife and children or abandoning them.



or children shall be left destitute, or dependent for support upon public or private charity, and every person who having had an Order made against him under the said Law or this Law shall depart from his usual place of abode and thereby evade compliance with the said Order, shall be deemed to be a rogue and vagabond, and shall, on conviction before any two Justices of the Peace of the Parish where the offence shall be committed, be for the first offence imprisoned with or without hard labor, at the discretion of the Justices, for a period not exceeding thirty days, and for a second or any subsequent offence for a period not exceeding three months.

Husband and wife  
may give evidence.

3—In any application or prosecution under the said Law or this Law the husband or the wife shall be at liberty to give evidence for or against each other.

Free Process.

4—All process under the said Law or this Law shall be free.

Incorporated with  
Law 16 of 1881.

5—The said Law of 1881 and this Law shall be read and taken together as one Law.

Repeal clause.

6—The Act 28 Vict. c. 5, and Sec. 11 of Law 16 of 1881, shall be and the same are hereby repealed.



## JAMAICA—LAW 4 OF 1887. *Amended 16 of 1889*

*The Birds and Fish Protection Law, 1885, Amendment  
Law, 1887.*

[21st May, 1887.]

**B**E it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

Preamble.

1—Law 4 of 1886 is hereby repealed, provided that such repeal shall not affect the validity of any declaration made or act done thereunder.

Law 4 of 1886  
repealed.

2—In Amendment of Section 2 of Law 32 of 1885, it is hereby provided that it shall be lawful for the Governor from time to time, by notice in the Gazette, to declare that, as to any of the Birds, Fishes and Creatures, enumerated in the Second Schedule of the said Law, the Provisions of the said Section shall cease to apply, and any such alteration from time to time to vary or cancel; and thereupon the Provisions of the said Section shall cease to apply, or shall again apply (as the case may be) with such variations as by any such Declaration may be provided; and it shall also be lawful for the Governor, by notice as aforesaid, to declare as to any Bird, Fish or Creature, not enumerated in the said Schedule, that it shall, from the date of such notice, be deemed to be included in the said Schedule for such Close Season as may be named in such Declaration as applicable to the same, and any such Declaration from time to time to modify, alter or amend, in the same way as if such Bird, Fish or Creature, had been enu-

Law 32 of 1885  
Section 2 amended,  
—giving additional  
powers as to the  
Creatures to which  
the Law shall apply,  
and the Close Sea-  
son of each.



merated in the said Schedule, and thereupon such Bird, Fish or Creature, shall be deemed to be included in the said Schedule for the Close Season assigned to it in the said notice to all intents and purposes.

Law 32 of 1885  
Section 8 amended  
—as to Nets.

3—In Amendment of Section 8 of Law 32 of 1885, it is hereby enacted that from and after the passing of this Law no Cast or Shrimp Net shall be used in any River or Stream in this Island, and any person so using the same shall be guilty of an offence under Law 32 of 1885.

“Engine” defined.

The word “Engine” shall include all weirs, bars, dams, or any similar obstruction or contrivance, made of stone, timber or other materials, constructed with the object of taking or assisting in taking fish, and any person making or using the same in any River or Stream shall be guilty of an offence under Law 32 of 1885.



## JAMAICA--LAW 5 OF 1887.

*The Vaccination Law Amendment Law, 1887.*

[21st May, 1887.]

WHEREAS it is expedient to amend the Laws relating to  
Vaccination :—

Preamble.

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows :—

1—The term “Public Vaccinator” shall include as well any Government Medical Officer as any Vaccinator appointed by the Governor for any Parish under Law 32 of 1868.

Interpretation Clause.

The term “Inspector of the Poor” shall mean the Inspector of the Poor in any Parish appointed pursuant to the Provisions of Law 6 of 1886.

2—If any Public Vaccinator or Inspector of the Poor in any Parish shall give information in writing to a Justice of the Peace that he has reason to believe that any child under the age of fourteen years within such Parish has not been successfully vaccinated, and that he has given notice to the parent or person having the custody of such child to procure its being vaccinated, and that this notice has been disregarded,—the Justice may summon such parent or person to appear with the child before him or some other Justice at a certain time and place, and in default of appearance of the said parent or person and the said child, at the time and place appointed, it shall be lawful for any Justice of the Peace to issue a warrant for the apprehension of the said parent or person and the said child.

Procedure where Child not successfully vaccinated.

Summons

If, on the appearance of the parties before any Justice, it shall appear to such Justice that the child is under fourteen years, and (after such examination as such Justice may deem necessary) that the child has not been vaccinated nor has already had the small-pox,—it shall be lawful for such Justice

Order. to make an Order, under his hand and seal, directing the parent or person aforesaid to take such child to a Public Vaccinator to be vaccinated within a certain time ; and if at the expiration of such time the child shall not have been so vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the parent or person on whom such Order shall have been made shall be proceeded against summarily before two Justices, and, unless he can show some reasonable ground for his omission to carry the Order into effect, shall be liable to a penalty not exceeding twenty shillings.

Penalty.

Fresh Orders in respect of same Child.

It shall further be lawful for the Justices before whom any such person is convicted as aforesaid, at the time of convicting such person, to make a fresh Order directing the child to be vaccinated within a certain time, and the person aforesaid shall be liable to be proceeded against and fined, and to have a fresh Order made to have the child vaccinated as often as he shall, without lawful cause, neglect or fail to comply with any Order made under the Provisions of this Law.

Incorporation of Vaccination Laws.

3—The Act 28 Victoria, Chapter 41, Law 32 of 1868, Law 29 of 1872 and this Law, shall be read and taken together as one Law.



## JAMAICA—LAW 6 OF 1887.

*The Agricultural Loans Law, 1887.*

[21st May, 1887.]

**B**E it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows :—

Preamble.

1—The Agricultural Loans Law, 1881, is hereby repealed ; but such repeal shall not affect any contract made thereunder, and the right of enforcing the same, or any penalty incurred under Section 6 thereof, provided that such penalty be prosecuted within the time and under the condition in Section 5 of this Law provided.

Law 21 of 1881 repealed.

2—Should any person being in the possession of any land as owner, incumbrancer or tenant, desire, for the purpose of cultivating the said land, or for reaping the crops thereof, or for the working of any Agricultural Industry thereon, or for all or any such purposes, to procure advances from any other person, company or body corporate, whether in a block sum, or by advances from time to time during the currency of the security to be given for the same, it shall be lawful for such person to pledge, by writing under his hand, or by deed in the Form or to the effect in the Schedule to this Law, to the lender, for the due payment of the advances and interest to be agreed in such contract, and for the due performance of any agreements or covenants in such contract contained, the whole or any part of the crops growing or to grow on and be produced from such land, or from the working of the Agri-

Power to give preferential charges on crops.  
Extent and effect of such charges.

Schedule.  
Form of charge.



cultural Industry thereon, within a limited period not exceeding twelve months to be expressed in such contract; and such contract, if duly stamped with an agreement stamp of two shillings, and recorded in the Island Record Office within thirty days of the making thereof, shall form a preferential charge, in respect of such advances and interest, on the crops and produce, and on the products of the Agricultural Industry, so charged, so long as the same are growing on the said land, or are being produced by the Agricultural Industry, and for three months after the same are gathered in or produced if the same be under the control of the borrower.

And such charge shall be valid against all assignees in bankruptcy, trustees under any deed or assignment for the benefit of creditors, and against all bailiffs or other officers executing any civil process, and execution creditors, and any mortgagee or incumbrancer or subsequent purchaser of such land.

The Form of deed in the Schedule to this Law may be varied or altered according to the terms of the agreement.

Power to lender on breach of contract to enter on land and reap crops.

3—Breach of any agreement or covenant by the giver of such security, his executors, administrators or assigns, shall entitle the lender to immediate possession of the crops and other products, or such portions as have been secured to him, and if necessary, and so far as may be necessary, to the possession of the lands, with all the machinery, live and dead stock and other things, for the purpose of enabling him to take off, reap and make, such crops and products:—Provided that the taking possession of such lands shall not render the person liable to expend any money in respect of any future crops or products not secured to him as aforesaid.

Application of proceeds of crops.

4—After possession has been obtained of such crops and products, or either of them, or of any portion of them respectively, or of such lands, by the last preceding Section, by the lender, his executors, administrators or assigns, the money to be realized for such crops and products shall be applied, first to pay the expenses (if any) of getting the possession of such crops, products or lands, and of cultivating, reaping, manufacturing or otherwise producing, such crops or products, and of the care and maintenance of the lands and other things (if

any) taken possession of as aforesaid, and of the expenses incident to the sale of the said crops and products, next to the payment of the said advances and interest, and lastly any balance to be paid over to the borrower.

5—All writings and deeds intended to be made under the Provisions of this Law shall state that they are made under the Provisions of this Law, otherwise the Provisions of this Law shall not apply to such writings and deeds.

This Law to be referred to in all writings thereunder.

6.—Any person who obtains an advance under such a contract by means of any false representation, and any person to whom an advance is made under such a contract for particular purposes specified therein, who wilfully applies the money so advanced to any other use or purpose than the purposes so specified, and any person who having obtained an advance under such a contract afterwards sells or disposes of, or converts to his own use, or wilfully destroys, any of the crops or products, the subject of the charge created under such contract, without the consent of the lender, shall be guilty of a misdemeanor, and being convicted thereof in any Court of Record in this Island shall be imprisoned with or without hard labour for any term not exceeding one year:—Provided that no prosecution of any such offence shall be begun or proceeded with after the secured advances and interest shall have been satisfied.

Frauds by the borrower, how punishable.

7—Nothing in this Law shall be construed to affect the rights of the Crown, or of the Government of this Island, in respect to the recovery of moneys due from the owners, mortgagees, tenants or occupiers, of any lands, chargeable on and leviable out of the lands, or the products thereof.

Rights of Crown  
and Government of  
the Island reserved.

8—The words "person" and "lender" in this Law shall in- Definitions.  
clude any company, association, society or corporation.

### Definitions

SCHEDULE.

### Schedule

Jamaica ss.

This Indenture, made under and subject to the Provisions Form of Charge.  
of the Agricultural Loans Law 1887, this                      day of  
in the year of our Lord 188    between A. B.  
*(name and description of borrower)* of the one part and C. D.



(name of company, association or other lender) of the other part. Whereas the said A.B. is in possession of all (recite that piece or parcel of land situated in, &c., and known as, &c.)

And Whereas the said A. B. has applied to the said C. D. for a loan of £

for the purpose of (here state the purpose, which must be connected with the cultivation of the land), and has offered to secure the repayment of the said loan by pledging the crops (or such part of them as may be agreed upon) to be grown and produced upon the said land within the next

calendar months after the date hereof,

(here, if desired, the nature of the crops may be described) And

Whereas the said C. D. has agreed to make the said advance on the express condition that the said money be applied to the purpose for which the said A. B. has applied for the same, and on the security of the crops and produce to be grown and produced upon the said land within a period of calendar months from the making hereof (or a definite portion of such crops), and on condition that the said A. B. do either on the day of

188 repay the said loan, with interest thereon as hereinafter stated, or do on the said day deliver to the said C. D. in repayment of such advance and interest (here describe the crops, &c., to be delivered) in order that the said C. D. may realize the same, and pay his said debt and interest, together with all expenses attending the said sale, out of the proceeds thereof. Now this Indenture witnesseth that the said C. D. doth this day make the advance of £

, and the said A. B. receives the same, for the purposes and on the conditions aforesaid, and the said advance is to bear interest at the rate of

per cent. per annum, from the date thereof until repayment of the same; and the said A.B. hereby for himself, his heirs, &c., covenants with the said C. D. that he has not done any act or thing, and knows of no reason why he cannot give the security aforesaid on the said crops aforesaid, and further that on the

day of he will either repay the said sum of

£ with interest thereon as aforesaid, or will peaceably

give up to the said C. D. the crops and produce on the security of which the said C. D. has made the said advance, in order that the said C. D. may realize the same, and apply the proceeds thereof as aforesaid.



## JAMAICA—LAW 7 OF 1887.

am. 5/91  
Am. 34 of 1900

*The Towns Nuisances Prevention Law, 1887.*

[21st May, 1887.]

**W**HEREAS within the limits of Kingston, and of other Towns in this Island, divers parcels of land are left wholly unenclosed, or not sufficiently enclosed, and are thereafter misused and become Public Nuisances, and militate against public health, order and decency; and divers houses, erections and buildings, are suffered to become dilapidated and dangerous to the Public:—

*Preamble.*

Be it therefore enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council, as follows:—

1—In this Law the words “Board” and “Parochial Board” shall be synonymous; and they respectively shall mean the Parochial Board for the Parish wherein, under the Provisions of this Law, the thing or property declared or liable to be declared a Public Nuisance, as the case may be, is situate.

*Definitions.*

2—Whenever the said Board shall be of opinion that any house, wall, fence, or other erection or building, is so dilapidated as to be imminently dangerous, it shall be lawful for the said Board, notwithstanding anything herein contained to the contrary, and without prejudice to the other powers of the said Board under this Law, to cause the same to be pulled down forthwith and without notice, and to take any measure in relation thereto, as the said Board shall think expedient for preventing or removing all danger to the Public, to the inmates, or to any neighbours, or to any adjoining building.

*Power to abate forthwith any imminently dangerous nuisance.*

Payment of expenses of such abatement.

Sale of materials and application of proceeds.

And the owner, and the said land, and all things and materials thereon, shall be liable to pay and satisfy all expenses to which the Board shall have been put; and the Board may cause the materials pulled down to be sold at such time and in such manner as they may think fit, and the proceeds to apply in payment of the expense incurred in removing and abating such Nuisance, and any surplus to pay over to the owner, if known, and if the owner be unknown to lodge in the Treasury to the credit of the Parochial Purposes Fund of the Parish; and if claimed by the owner, or any person equitably entitled to the possession of the property, within twelve months of such lodgment, to pay to such person, but otherwise the money to become the property of the Parish as part of the said Fund.

Power to declare land to be a Public Nuisance on Certificate of Parochial Officer.

Notice thereof.

Schedule A.

Procedure if Nuisance not abated.

3—Whenever any lot, piece or parcel, of land situate within the limits of any Town is certified by the City Surveyor, or Superintendent of Parochial Roads and Works, to be wholly unenclosed or not sufficiently enclosed, or any land has standing on it any house, erection or building, which is certified as aforesaid to be so dilapidated as to be dangerous to the Public, or to the neighbours, or to persons who may enter it, or to adjoining buildings, it shall be lawful for the Parochial Board of the Parish within which such Town is situate, by Resolution to declare such lot, piece or parcel of land, a Public Nuisance. And thereupon, or at any time thereafter, the said Board shall give notice thereof, and require the abatement of such Nuisance. Such notice shall be in writing, and shall be in the Form or to the effect of the notice given in Schedule A to this Law annexed, and shall be signed by the Chairman and Clerk of the said Board, and be posted on some conspicuous part of the said land, and if the same be occupied a copy of such notice shall also be delivered to the person, or one of the persons, apparently in possession or occupation thereof.

4—Unless such land be sooner well and sufficiently cleaned and enclosed, or such house, erection or building, be sooner removed or repaired, as may respectively be required or indicated in such notice, it shall be lawful for the said Board, at any time after the expiration of fourteen days to be computed from the time of posting such notice, to apply to the



Supreme Court or District Court, ex parte by Summons, for an order that the land referred to in such notice as having been declared a Public Nuisance be sold. And the Court shall have power and is hereby required in such case to make a Conditional Order that the same be sold accordingly.

Conditional Order for Sale.

5—Such Order shall, in the first instance, be conditioned that if any person having, or claiming to have, any estate, interest, charge or lien, in or upon the said land shall within three months, or such other time as may be limited therein, or further time as the Court may appoint, abate the Nuisance to the satisfaction of the Board, and pay all costs, charges and expenses incurred by the Board, or enter an appearance in the said Court, and shew either that the alleged Nuisance does not exist or that it has been abated, then and in such case the Order shall be vacated, otherwise it shall be lawful for the Court, on proof of the publication, posting and delivering (if requisite) of the said Conditional Order in accordance with the directions hereinafter contained, to make the said Order absolute for the Sale of the said lot, piece or parcel of land.

Powers of the Court in dealing with Conditional Order.

Order absolute for Sale.

6—The Court shall have power, from time to time, by Order to enlarge the time limited in the said Conditional Order for Sale, and to rescind or vary any Order granting further time, on such terms as may appear just.

Power to grant further time.

7—Every Conditional Order for Sale shall, within three months from the date thereof, or within such further time as the Court may appoint, be published twice in an Island Newspaper, and for six consecutive weeks in the Jamaica Gazette, and be posted and delivered in such cases and in such manner as is prescribed in the third Section of this Law with regard to the notices therein mentioned.

Publication of Conditional Order of Sale.

8—After such Conditional Order, if no appearance shall be entered, the Board may cause the said land to be cleaned and well and sufficiently enclosed, or such house, erection or building, to be removed or repaired.

Powers of Board after Conditional Order.

9—When an Absolute Order for the Sale of any land has been made, all persons claiming to be interested in such land, whe-

Absolute Order of Sale binds all interests.

ther they are within or without the jurisdiction of the Court, (including persons under disability), shall be bound by the proceedings as if they had been in all respects duly served with the Conditional Order for Sale.

**Sale.**

And it shall be lawful for the said Board to sell the same, with all buildings and materials thereon, by public auction, to the highest and best bidder ; and the Court shall, at the request of the Board, expressed as in manner in Schedule B provided, and without any other order or formality, give the purchaser a title therefor, in or to the effect of the Form in Schedule B to this Law annexed, and which title shall be subject to stamp duty, and shall give to the purchaser an indefeasible estate of inheritance in the land so purchased, and shall discharge the same from all former and other estates, rights, titles, charges and incumbrances whatsoever, of Her Majesty, her heirs and successors, and of all persons whomsoever, and no title given under this Law shall be set aside on the ground of any irregularity or want of jurisdiction.

**Schedule B.**

**Title of Court in-  
defeasible.**

**Provision for ex-  
penses of the Board.**

10—All costs, charges and expenses, incurred or laid out by the Board in or about the cleaning and enclosing of the land, or the removal or repairs of the house, erection or building, if the Absolute Order for Sale be not made shall be ordered to be paid to the Board by the owner or other person claiming to be interested ; and default in payment of such costs shall entitle the Board to procure an Absolute Order for Sale ; and if an Absolute Order for Sale be made all such costs, charges and expenses, and all costs, charges and expenses, in and about any Sale, and in and about any proceeding or measure taken by the Board in execution or in intended execution of any of the powers under this Law, or under any Order of Court, or otherwise howsoever in relation to the premises, shall be a first charge on the proceeds of such Sale.

**Investment of pur-  
chase money.**

11—The purchase money on every such last mentioned Sale shall be paid by the purchaser into the Savings Bank of this Island forthwith, or at such time as the Court shall direct, and shall be carried to an account, to bear interest, to be opened in the name of the Board, to the credit in each case of the land (describing the same by its abutments, or in any

other way the Court shall think fit), and the Court may make such Orders as to such purchase money, and the payment out, as by this Law empowered.

12—Any person may, within three years after such investment of the purchase money, apply to the Court for payment out to such person of the said money, and on such application, (of which the Board which procured the Sale shall get notice,) if the Court be satisfied that the person applying was legally or equitably entitled to the lands sold, make such order as to the money invested as may seem right, regard being had to the title of parties to the land so converted.

Application for payment out of money invested.

Such investment shall be deemed to have been made upon the day appointed for the first payment where more than one payment shall be directed.

13—Until the principal money shall be paid out as aforesaid, the interest shall be paid, or put annually on the thirtieth day of September in each year, to the credit of the Fund, specified in the next Section, of the Parish which procured the Sale, as the Board shall think fit.

Disposal of interest.

14—If no Order has been made under Section 12 within such three years, then the Board which procured the Sale shall be entitled to an Order to have the said money paid out to it; and the Board shall hold the sum so paid out, less the costs of procuring the same, to apply the principal money or the interest thereof from time to time in its discretion to such useful local purposes as the Board shall think fit. And such money shall be credited to an account to be called "The Nuisances Fund."

Disposal of principal if no Order for payment within three years.

15—Before any Order for payment shall be made (except Orders for payment to the Board, which may be made without notice,) the person intending to apply for the same shall cause a notice of his intended application to be given to the Board which procured the Sale, and also to be published for three consecutive weeks in the Jamaica Gazette.

Notice of applications for payment.

16—In all cases of litigated claims to any such money the Court may make such Order as to costs, and direct them to be

Costs of litigated claims to money.



paid out of the Fund, or by either party, or otherwise, as the Court may deem equitable.

Offences  
As to notices and  
orders,  
Penalty.

17—Any person damaging, destroying, obliterating or tearing, or pulling down, any notice or Order under this Law, or any copy thereof, shall be liable, for each offence, to a penalty not exceeding Five Pounds, on conviction before any two or more of Her Majesty's Justices of the Peace for the Parish wherein such offence may be committed.

As to possession of  
lands sold,

Penalty.

And any person refusing to quit any land sold under the Provisions of this Law, or to give up possession thereof to the purchaser thereof, or to his servants or agents, shall be liable, on conviction in like manner, to a penalty not exceeding Twenty Pounds nor less than Ten Pounds, and, in default of payment, to imprisonment for any term not exceeding six calendar months.

Prohibition of cer-  
tain kinds of fences,

Penalty.

18—It shall not be lawful to enclose any land, within such limits of any Town as may be fixed under Law 2 of 1873 for the purposes of this Section, by any penguin, or dildo, or other growing or quick set fence; and every such fence may be pulled down and removed by the Board without notice, and the person or persons erecting such fence shall be liable to a penalty not exceeding Five Pounds.

Laws 38 of 1869  
and 26 of 1870 re-  
pealed.

19—Law 38 of 1869 and Law 26 of 1870 are hereby repealed; but such repeal shall not affect the consequences of any act or omission that has already taken place, or any right, liability, or right of procedure, already accrued, or any proceedings already commenced, in respect of such act or omission.

Schedule A.

#### SCHEDULE A.

Form of Notice,  
Section 3

This Notice was posted on the      day of      18      .

Take Notice that this lot, piece or parcel of land, contain-  
ing from east to west      feet, and from north to south  
    feet, be the same more or less, and butting and bound-  
ing (*here describe land*) was on the      day of      18      ,  
by Resolution of the Mayor and Council of Kingston (*or the*  
Parochial Board of the Parish of      ) declared a Public

Nuisance, and that, unless the same be well and sufficiently cleaned and enclosed (*or unless the houses, erections and buildings thereon be removed or repaired—as the case may be*) within fourteen days after the posting of this Notice, an application will be made to a Judge of the Supreme Court or a District Court for an Order for the Sale of such land under the Provisions of the Towns Nuisances Prevention Law, 1887. Further particulars may be obtained by any person interested in this land on application at the office of the Mayor and Council of Kingston (*or the Parochial Board of the Parish of* *as the case may be*) at *(state the situation of the office).*

Dated this                      day of                      18

A.B. (Mayor.)  
(Chairman.)

C.D., Clerk.

SCHEDULE B.

Schedule B.

In the                      Court

Form of Title,  
Section 9.

Whereas the land hereafter described (*or described in the plan hereto annexed*) was, under the provisions of The Towns Nuisances Prevention Law, 1887, pursuant to the Absolute Order for Sale made herein by (Mr. Justice *or the* Judge of the Court) on the                      day of                      18                      , sold at public auction to (A.B.) of                      for the sum of                      , which sum (he) has duly paid into the Savings Bank of this Island, It is witnessed that [the land in the plan hereto annexed—*or otherwise described*] together with all buildings and erections thereon and all rights and appurtenances thereto, are absolutely sold and hereby conveyed, for the consideration aforesaid, unto the said A.B. and his heirs.

Witness

this                      day of                      18

Seal  
of  
Court.

It is the request of the Mayor and Council of Kingston [or  
P.B. of the Parish of ] that the above title be executed by this Honourable Court.

Dated this                      day of                      18 .

A.B. (Mayor.)  
(Chairman.)

C.D., Clerk.



## JAMAICA—LAW 8 OF 1887.

*The Contagious Diseases Laws Repeal Law.*

[21st May, 1887.]

BE it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

Preamble.

1—The Contagious Diseases Laws (Law 29 of 1867 and Law 1 of 1874) shall be and the same are hereby repealed:—

Laws 29 of 1867  
and 1 of 1874 re-  
pealed.

Provided that the certified Hospitals, or any of them, provided under those Laws may be continued, for such period not exceeding three months as the Governor may in each case determine, as Voluntary Hospitals for such of the inmates thereof at the time of the passing of this Law as may desire to remain there for treatment for any Contagious Disease (as defined by the said Laws), so long as they shall observe the Regulations now in force for the management and government of such Hospital:—

Proviso.

Provided also that such repeal shall not affect—

- (1) Anything duly done or suffered under any enactment hereby repealed,
- (2) Any penalty, forfeiture or other punishment, incurred in respect of any offence against any enactment hereby repealed.







## JAMAICA—LAW 9 OF 1887.

*The Employers of Chinese Immigrants Relief Law, 1887.*

[21st May, 1887.]

WHEREAS divers Chinese immigrants, introduced into the Island in the year 1884 by the ship Prinz Alexander, have deserted their employers and cannot be found, and the value of their services has been lost to their employers:— And Whereas many of the said employers have given Notes to the Protector of Immigrants, under the Provisions of the Immigration Finance Law, 1879, in payment of the amount payable by them in respect of the introduction of the said immigrants, and the said Protector has no power to release the said employers from payment of the said Notes, and it is expedient that such power should be given:—

Preamble.

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

1—It shall be lawful for the Protector of Immigrants, with the sanction of the Governor, in any case where he shall be satisfied that any Chinese labourer introduced as aforesaid has deserted and has not been found, so that his services have been lost to his employer, to remit one half of the portion, from the date of desertion, of the amount payable on any Note given by such employer in payment of the amount payable in respect of the introduction of such immigrant:—Provided that no such remission shall take place in respect of an immigrant deserter whose desertion has not been reported as required by Law.

Power to remit portion of Notes given in respect of certain Chinese immigrants.





## JAMAICA—LAW 10 OF 1887.

*A Law to amend the Kingston Streets Reconstruction Law, 1883.*

*21st May, 1887.*

**W**HEREAS the Tax imposed upon houses under the 24th Section of the Kingston Streets Reconstruction Law, 1883, is, by force of the License and Registration Duties Law, 1867, incorporated with the said Law, imposed on the occupiers or possessors of such houses, and does not fall on the owners of such houses while such houses are unoccupied:—

Preamble.

And Whereas it is deemed just that the owner of each house mentioned in the said Section should be liable for such Tax while such house is unoccupied and uninhabited, and that the owner of each parcel of land not included and comprised in the out-offices, yards and curtilages, of any dwelling house, shop, store, wharf, warehouse, office or place of business, should also contribute to the funds intended by the said Law to be raised:—

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

1—The owner of every unoccupied and uninhabited house in Kingston shall be liable to pay the Tax imposed by Section 24 of the Kingston Streets Reconstruction Law, 1883, in the same way as the occupier or possessor of such house would be liable in case such house were inhabited, and the said Tax shall and may be enforced against the owner of any such unoccupied or uninhabited house as though he were the occupier of the same.

Owner of uninhabited house liable to the Kingston Streets Reconstruction Tax.

Owner of land not liable to poor rates, to be liable to Tax for Street Reconstruction purposes.

2—The owner of every parcel of land in Kingston upon which land there may be no house subject to be taxed under the said Law, or which is not included or comprised in the out-offices, yards or curtilages, of any house liable to such Tax, shall be liable to pay, in respect of each such parcel of land, a sum of ten shillings per annum towards the Redemption Fund constituted by Section 25 of the Kingston Streets Reconstruction Law, intended to be raised. And such Tax shall be recoverable against the owner of every such parcel of land as if he were in occupation or possession of the same.

Payment of such Tax by any person.

3—Payment of such Tax by any person shall relieve and discharge the owner and the property from the Tax so paid.

Adjustment of Streets Reconstruction Tax as between owner and incoming or outgoing tenant.

4—In case an occupier shall enter into the possession of any house in Kingston after the 1st day of August in any year, and shall pay the aforesaid Tax as from the 1st day of August, he shall be entitled to deduct from the rent to be paid by him a sum proportionate to the part of the year that elapsed before the commencement of his occupancy.

And in case an occupier who was liable, as between himself and the owner, to pay the said Tax shall leave the house without having paid the same, and the owner has paid the same, the owner may recover from such occupier, as for money paid at his request, the Tax so paid:—Provided that for the year from the 1st day of August in which the occupier left, the owner shall recover (where there is no special contract to the contrary) a sum proportionate only to the part of the period so occupied.

Commencement of Law.]

5—This Law shall come into operation on the 1st day of August, 1887.



## JAMAICA—LAW 11 OF 1887.

Amo 21 of 1900  
Ref. 34 of 1900.

*A Law to amend the Kingston Fire Brigade Law, 1872.*

*21st May, 1887.*

**W**HEREAS the Tax imposed under Section 14 of the Kingston Fire Brigade Law, 1872, does not fall on the owners of unoccupied or uninhabited houses, and it is deemed just that the owners of unoccupied houses should pay such Tax when such houses are unoccupied:—

Preamble.

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

1—The owner of every unoccupied house within the Parish of Kingston ratable, if occupied, for the relief of the poor, shall be liable to pay the Tax assessed upon such house under the Provisions of the Kingston Fire Brigade Law, 1872. Such Tax shall and may be enforced against such owner as if he were the occupier of the said house:—Provided that payment of such Tax by the occupier or by any person shall relieve the owner and the property from the Tax so paid.

Fire Rate under Law 44 of 1872 payable by Owners of unoccupied houses in Kingston.

2—In case an occupier shall enter upon the possession of any house in Kingston after the 1st day of August in any year, and shall pay the aforesaid Tax as from the 1st day of August, he shall be entitled to deduct, from the rent to be paid by him, a sum proportionate to the part of the year that elapsed before the commencement of his occupancy.

Adjustment of Fire Rate as between Owner and outgoing or incoming tenant.

And in case an occupier who was liable, as between himself



and the owner, to pay the said Tax shall leave the house without having paid the same, and the owner has paid the same, the owner may recover from such occupier, as for money paid at his request, the Tax so paid:—Provided that, for the year from the 1st day of August in which the occupier left, the owner shall recover (where there is no special contract to the contrary) a sum proportionate only to the part of the period so occupied.

Commencement of  
Law.

3—This Law shall come into operation on the 1st day of August, 1887.



## JAMAICA—LAW 12 OF 1887.

*A Law to amend the Kingston Police Law, 1881.*

[21st May, 1887.]

**W**HEREAS it is expedient to amend the Kingston Police Law, 1881 :— Preamble.

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows :—

1—In Section 1 of the said Law, and otherwise in the said Law, the expressions “The Municipal Board” shall mean and be read as the Corporation of the Mayor and Council of Kingston, and “the Custos” shall mean and be read as the Mayor, or person for the time being exercising the functions of Mayor of Kingston. Definitions.

2—In Section 3 of the said Law the maximum penalty and term of imprisonment therein stated are hereby reduced to £20 and three months respectively. Reduction of Penalties.

3—The power to make temporary Regulations by Section 4 of the said Law shall be exercised by the Mayor of Kingston on any occasion when he may consider the same necessary, and the notice by the said Section required shall be twenty-four instead of forty-eight hours. Temporary Regulations.

4—Section 6 of the said Law is amended by adding, after the last word thereof, the words, “Provided that Regulations as to Hackney Carriages may extend beyond Kingston as hereinafter provided.” Extension of Hackney Carriage Regulations.

Amendment of  
Law 36 of 1881 as  
to Hackney Car-  
riage Regulations.

5—The following Sub-Sections shall be substituted in Section 7 of the said Law for Sub-Sections 1, 2 and 3, which are hereby repealed :—

- (1) For the due registration of Owners of Hackney Carriages :—
- (2) For regulating the conditions on which Certificates of competency shall be granted to persons desirous of being licensed as Drivers of Hackney Carriages, and the conditions upon which such Licenses may be suspended, revoked or transferred, and the badges to be worn by licensed Drivers, and the marks and particulars to be shown on licensed Hackney Carriages :—
- (3) For providing for and regulating the inspection of carriages proposed to be licensed as Hackney Carriages, and of licensed Hackney Carriages, and the horses, harness and other appliances to be used therewith respectively, and for granting Certificates of fitness for such Hackney Carriages, and for prescribing the conditions on which any License granted in respect of any Hackney Carriage may be revoked, suspended or transferred, and for securing that every Hackney Carriage shall be properly horsed and harnessed, and kept in a proper state of repair and cleanliness.
- (4) For providing remedies to Hackney Carriage Owners or Drivers against persons who having ridden in the same refuse or neglect to pay the lawful fare.

Local limit of  
Hackney Carriage  
Regulations.

6—All Regulations as to Hackney Carriages, their Owners and Drivers, made under the said Law as amended by this Law, shall be in force, as against Hackney Carriages licensed in Kingston, within a radius of five miles<sup>3</sup> of the Parish Church, at the corner of King Street and the Parade.

License for Hack-  
ney Carriage.

7—After Regulations have been made for the granting of Certificates of fitness to Hackney Carriages, no License shall be granted by the Collector of Taxes under the said Law, ex-

cept in respect of a Hackney Carriage the Owner of which has obtained a Certificate of fitness for the same.

8—As soon as Regulations have been made under the said Law, as amended by this Law, for the granting of Certificates of competency to persons desirous of being licensed as Hackney Carriage Drivers, the Collector of Taxes shall grant a License under Section 16 of the said Law only to persons holding such Certificates, and it shall no longer be necessary for the applicants to have any Certificate from the Custos, as provided by the said Section.

License for Hackney Carriage Driver.

9—Where a Driver's License shall be paid for by the Owner of any Hackney Carriage, it shall be lawful for such Owner to claim to have that fact endorsed on the License, and thereupon such License shall be the property of such Owner, and shall and may be transferred by him to any other person possessing a Certificate of competency, subject to such Regulations as may be made by the Mayor and Council in that behalf.

As to Driver's License paid for by Owner.

10—The following matters in respect of which Regulations shall be made under the said Law shall be added to Schedule B thereof:—

Schedule B to Law 36 of 1881 enlarged.

24. The exhibiting of lights by vehicles in the streets at nights.
25. The licensing of porters and street messengers.
26. To regulate the opening of surfaces of streets, the laying of gas and water mains or pipes, the building or repairing of sewers, and the erecting of gas lights.
27. To regulate the use of the streets and side walks for signs, sign-posts, awnings, awning posts, horse troughs, urinals, telegraph and other posts, and other purposes, notwithstanding any license or custom heretofore to the contrary.
28. To regulate public cries, advertising noises, steam whistles, and ringing of bells in streets.
29. In relation to street beggars, vagrants and mendicants.

30. In relation to the exhibition of advertisements or hand bills along the streets.
31. To regulate the opening of new streets with the consent of the Council, and the stopping up of any street opened without such consent.
32. By Resolutions, generally or from time to time to require the City Surveyor, the City Inspector and the Inspector of Nuisances, or any of them, to do any work or take any action proper for carrying into effect the powers of the Council.

Incorporated with  
Law 36 of 1881.

11—Law 36 of 1881 and this Law shall be read and taken together as one Law.

Sections 11 and 20  
of that Law repealed.

12—Sections 11 and 20 of the said Law of 1881 shall be and the same are hereby repealed.





## JAMAICA—LAW 13 OF 1887.

*A Law to amend the Attorney's Admission Law 9 of 1869.*

[21st May, 1887.]

**W**HEREAS it is expedient to repeal Section 4 of the Attorney's Admission Law 1869, and to re-enact the same with amendments :—

Preamble.

Be it therefore enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :—

1—Section 4 of The Attorney's Admission Law, 1869, is hereby repealed, and that the following is substituted therefor :—

Section 4 of Law 9 of 1869 repealed, and a new Section substituted.

No Attorney, Solicitor or Proctor, shall have more than two Clerks at one and the same time bound by articles to serve him as Clerks; and no Attorney, Solicitor or Proctor, shall take or retain any Clerk, bound by articles as aforesaid, after such Attorney, Solicitor or Proctor, shall have left off practising as or carrying on the business of an Attorney, Solicitor or Proctor, nor whilst such Attorney, Solicitor or Proctor, shall be employed as a Writer or Clerk by any other Attorney, Solicitor or Proctor; and service by any Clerk, so bound by articles to an Attorney, Solicitor or Proctor, for and during any part of the time that such Attorney, Solicitor or Proctor, shall be so employed as Writer or Clerk by any other Attorney, Solicitor or Proctor, shall not be accounted as good service under such articles.





*Amo. 20 of 1896.*

# JAMAICA—LAW 14 OF 1887. *Incor. 3 of 1899*

*The Civil Service Widows and Orphans' Fund Law, 1875,  
Amendment Law, 1887.*

*31st May, 1887.*

**W**HEREAS it is expedient to amend Law 11 of 1875 :— Preamble.  
Be it enacted by the Governor of Jamaica, with the advice and consent of the Legislative Council thereof, as follows :—

1—The Civil Service Widows and Orphans' Fund Law, 1875, Incorporated with Law 11 of 1875.  
and this Law shall be taken and read together as one Law.

2—The Directors are hereby empowered, should they see fit, Power to require evidence of truth of information furnished to the Directors.  
to require evidence to be produced to their satisfaction of the accuracy of the information, furnished to them under the Provisions of Section 13 of Law 11 of 1875, as to the ages of himself, his wife and children, or any of them, and also of the marriage of any Associate, or of the birth to him of any child or children; and it shall be lawful for the Directors to withhold payment of any Pension, in whole or in part, until such evidence as aforesaid shall be produced.

The production of such evidence as aforesaid by an Associate, when required so to do, within a reasonable time after the same shall be called for by the Directors, shall be deemed one of the requirements of Law 11 of 1875, within the meaning of Section 31 of the said Law, named in Section 31 of Law 11 of 1875.

3—Section 16 of the said Law is hereby repealed, and in lieu thereof the following shall be read as such Section :— Section 16 of Law 11 of 1875 repealed.

Substituted Section.  
Abatements from  
Salaries of Associates in aid of Fund.

“ 16. From the date of Registration of a Public Officer as  
“ an Associate, an Abatement of four per centum, per  
“ annum, shall be made by the Treasurer for the benefit of the said Fund, from his salary at the time of  
“ Registration, and a similar Abatement shall in like  
“ manner be made from each increment of salary  
“ thereafter accruing to such Associate, commencing  
“ from the date at which the increment is obtained.  
“ Such Abatements shall be made in equal monthly  
“ proportions, and each proportion placed to the credit  
“ of the Fund by the Treasurer.

“ Any Abatement as aforesaid, whether on original salary or on any increment, shall, subject to  
“ the Proviso to this Section, continue to be made  
“ from the salary of such Public Officer for thirty-five  
“ years from the commencement thereof, or until such  
“ Officer shall attain the age of sixty-five years :—

Proviso as to Pensioners.

“ Provided that a Public Officer who shall retire  
“ from the Public Service at or after the age of  
“ fifty-five shall not be called upon to make any  
“ further contribution to the Fund unless he shall be  
“ entitled to a Pension under the Pensions Law 1886,  
“ in which case he shall pay a monthly Abatement of  
“ four per centum from the amount of such Pension,  
“ to commence from the date of his retirement from  
“ the Public Service, and continue until the attainment of the age of sixty-five, or until he has contributed to the Fund for thirty-five years; but in  
“ consequence of such cessation or reduction of contribution the Pension to the widow and orphans of such  
“ Associate shall, in such case, be diminished to the  
“ same extent as a corresponding increase of the contribution would (having regard to the ages of such  
“ Associate and his wife at the time when such cessation or reduction of contribution commences) secure  
“ to his widow an increased pension under Table I.,  
“ appended to Law 11 of 1875, or any Table that may  
“ be in force in lieu thereof at the time when such Associate retires :—Nevertheless a Public Officer retiring

“ on a Pension shall have the right to continue to contribute as aforesaid to the Fund on the amount of salary received prior to retirement, in which case the Pension of his widow and orphans shall not suffer diminution.”

4—Should the salary of an Associate be at any time increased, an additional Pension shall be secured to his widow and children, beyond that payable before such Associate received such increase, in respect of and proportionate to the increased contribution payable in respect of such increase of salary, and bearing due relation to the ages of the Associate and his wife at the time of the former receiving such increase; and should the salary, and consequently the contributions of any Associate, be at any time diminished, the Pension to his widow and orphans shall be diminished to the extent that an increase in the contribution equal to the diminution would have entitled him to have such Pension increased, having regard to the ages of the Associate and his wife at the time of the reduction.

Increase or decrease of Pensions according to increase or decrease of contributions to the Fund.

5—Section 17 of Law 11 of 1875 is hereby repealed, and the following shall be read in lieu of such Section :—

Section 17 of Law 11 of 1875 repealed.

“ 17. Any Associate who may have been contributing to the Fund on the amount of his Fees at the passing of this Law may claim to contribute in monthly instalments, and, subject to the conditions expressed in the next preceding Section, an annual sum equal to the average of the contributions made on such Fees during the three years preceding the passing of this Law. Should any Officer who is paid wholly or partly by Fees be registered as an Associate, he shall contribute, in monthly instalments, a sum equal to four per centum on the amount of Fees received during the first year of Registration, which for the purposes of this Fund shall be taken to be the annual receipts from Fees.

Substituted Section. Provisions as to Officers contributing to the Fund on the basis of Fees.

“ Should however such contributions be six months in arrear, such Officer shall be deemed to have forfeited all claims on the Fund, and his widow



“and children shall not be entitled on his death to  
“any Pension therefrom.

“Provided nevertheless that such Officer, on un-  
“dergoing such medical examination as the Board of  
“Directors may require, shall have the right to be  
“restored to the benefits of the Association within  
“twelve months on payment of all arrears, with  
“interest thereon at six per centum per annum, and  
“of a fine not exceeding ten pounds nor less than  
“five pounds.”

Calculations of An-  
nuities purchased  
under Section 18  
of Law 11 of 1875.

6—From and after the passing of this Law, any Annuity purchased under Section 18 of Law 11 of 1875 shall be calculated under Table II. annexed to the said Law, or such Table as may have been substituted for the same under the powers reserved to the Directors under Section 23 of the said Law, and which may be in force at the time of the death of the Associate purchasing such Annuity.

Section 19 of Law  
11 of 1875 repealed.

7—Section 19 of Law 11 of 1875 is hereby repealed, and the following shall be taken and read as such Section :—

Substituted Sec-  
tion.  
Provisions as to an  
Associate retiring  
or being promoted.

“19. Any Associate who may retire from the Public Ser-  
“vice before he shall have attained the age of fifty-five,  
“or who may be promoted from the Public Service of  
“Jamaica to any other employment under the Crown,  
“may be dealt with in respect of his contributions  
“to the Fund in either of the following modes,  
“namely :—

- “(1) He may claim repayment of the Reserve Value of  
“his contributions to the Fund, assessed according  
“to such Rule or Rules as may from time to time  
“be recommended by an Actuary and approved by  
“the Board of Directors, in which case his interest  
“in the Fund will cease, and his widow and children  
“will have no claim for pension ; or
- “(2) He may claim to be allowed to continue his con-  
“tributions to the Fund on the rate of salary re-  
“ceived by him at the time of his retirement or  
“promotion, in which case his widow and children  
“will be entitled to the full benefits of the Fund ; or

“(3) He may claim to have the Reserve Value of his  
“past contributions (assessed as aforesaid) applied  
“to the purchase of an Annuity (according to Table  
“II. appended to Law 11 of 1875, or such Table as  
“may have been substituted for the same under the  
“Provisions of Section 23 of the said Law, and which  
“may be in force at the time of the retirement of  
“the Officer) for the wife with whom he leaves the  
“Service of the Colony when she becomes a widow,  
“or the child or children of such wife, when they  
“become orphans, subject to the Sections of Law 11  
“of 1875 regulating the grant of Pensions to or-  
“phans.”

“Notice of the wish of such retired Public Officer to adopt  
“either of these modes must be given to the Directors  
“within six months of his ceasing to be employed in the  
“Public Service of the Colony, otherwise all payments  
“made by him shall become lapsed to the Fund.”

8—The Provisions of Section 19 of Law 11 of 1875, as amended by this Law, shall not apply to any Associates who may have made their election, under the Provisions of Section 19 of Law 11 of 1875, prior to the passing of this Law.

Proviso as to elections already made.

9—Section 21 of the said Law is hereby repealed, and the following shall be read as such Section :—

Section 21 of Law 11 of 1887 repealed.

“21. The widow and children of an Associate who has ceased  
“to pay Abatements in consequence of his having at-  
“tained sixty-five years of age, or of his having paid  
“Abatements for thirty-five years on his salary at the  
“time of Registration, and on each increment of salary,  
“payable to him in the manner set forth in Section 16  
“of the said Law, shall receive Pensions at the same  
“rate, and on the same terms, as if the said Associate  
“had continued to pay Abatements up to the date of  
“his death on the full amount of salary previously re-  
“ceived by him; but such right to Pension shall extend  
“only to the widow of the Public Officer who was his  
“wife at the time when such Officer ceased to contri-

Substituted Section.  
Provision as to Associates whose Abatements cease by effluxion of time.

"bute to the Fund on the full amount of his salary,  
"and to the children by such marriage."

Section 22 of Law  
11 of 1875 repealed.

10—Section 22 of the said Law is hereby repealed, and the following shall be read as such Section :—

Substituted Sec-  
tion.  
As to Associates  
dismissed from  
Public Service.

"22. Any contributor to the Fund who shall be dismissed  
"from the Public Service shall be entitled to a repay-  
"ment of the Reserve Value of his contributions to the  
"Fund, assessed according to such Rule or Rules as  
"may from time to time be recommended by an Ac-  
"tuary, and approved by the Board of Directors, and  
"thereupon his interest in the Fund shall cease, and  
"the widow and children of such Officer shall have no  
"claim for pension."

Quinquennial  
statement of affairs  
of the Association.

11—The Directors shall on the 30th day of September, 1889,  
and at the end of every fifth year thereafter, cause to be pre-  
pared, and submitted for valuation by a competent Actuary, a  
complete statement of the assets and liabilities of the Asso-  
ciation.

Proviso to Section  
31 of Law 11 of  
1875 repealed.

12—The Proviso to Section 31 of Law 11 of 1875 is hereby  
repealed, and the following shall be read in lieu of such Pro-  
viso :—

Substituted Pro-  
viso.

"Provided nevertheless that an Officer so struck off shall  
"have the right to be restored as an Associate within  
"twelve months, on payment of the amount of the  
"fine and arrears of contributions, with interest  
"thereon at the rate of six per centum per annum,  
"and on undergoing such medical examination as  
"the Board of Directors may require."

Section 34 of Law  
11 of 1875 amended.

13—Section 34 of the said Law is hereby amended by the  
addition of the following :—

"The Board shall also refer to the Governor in Privy Coun-  
"cil, for final decision, any dispute that may similarly  
"arise between the Board of Directors and any Officer,  
"as to the amount of Refund to be made to such Offi-  
"cer under the Provisions of Section 19 Sub-section 1,  
"or Section 22, or as to the sum to be applied for the

“purchase of an Annuity under Sub-section 3 of Section 19 of the said Law, as by this Law amended.”

14—When the wife of an Associate dies, and such Associate marries again, the Pension to his widow shall be calculated as if he had first become an Associate on the day after the death of the preceding wife.

*As to Widowers marrying again.*

15—When an Associate dies the Pension to his widow shall be calculated according to the Tables then in force, and shall not afterwards be altered.

*Calculation of Pension to Widow of an Associate.*

16—There shall be an open Annual Meeting, at which all the Associates shall have the option of being present; a quorum of the Directors shall attend and discuss the affairs of the Association with the Associates.

*Annual Meetings of Associates.*







## JAMAICA—LAW 15 OF 1887.

*A Law in aid of The Public Health Law, 1867.*

[6th May, 1887.]

**B**E it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

Preamble.

1—It shall be lawful for the Central Board of Health from time to time to make Rules and Regulations for the prevention or mitigation of contagious or infectious diseases, and the same from time to time to revoke or alter:—Provided that any such Rules and Regulations shall be sanctioned and approved by the Governor in Privy Council.

Powers of Central Board of Health to make Rules.

2—Any such Rules and Regulations, when sanctioned and approved as aforesaid, shall be binding as well on the Local Board of Health of any Parish as on all Health Officers and persons within any Parish in which, by force of any Proclamation as hereinafter provided, this Law is in force.

On whom such Rules shall be binding.

3—The Governor, with the advice of the Privy Council, may from time to time issue a Proclamation declaring this Law to be in force, either throughout the Island or in any Parish or Parishes, for a period to be named in such Proclamation, not exceeding six months. The Governor may also, with the advice aforesaid, by Proclamation recall any such Proclamation as aforesaid.

Power to put this Law into force locally.

Power to the Governor to carry out Rules at the expense of the Parish in certain cases.

4—In case the Local Board of Health of any Parish shall neglect or refuse forthwith to obey any Order or Direction contained in any such Rule or Regulation as aforesaid, it shall be lawful for the Governor to cause such Order or Direction to be carried out by such person as he may name for the purpose, and to charge the expense of carrying out such Order or Direction to the Sanitary Fund of such Parish, or to the Fund applicable in such Parish to the relief of the Poor.

Offences in contravention of this Law.

5—If any person shall wilfully violate any such Rule or Regulation, or shall refuse or neglect to observe and comply with any Direction given to him by any Health Officer under and in pursuance of any such Rule or Regulation, or shall wilfully obstruct any Health Officer or Constable, or other Officer or person, duly employed in carrying out or acting under any such Rule or Regulation, or shall destroy, pull down, injure or deface, any board or paper upon which any bye-law, notice or other matter, is printed or inscribed by direction or authority of any such Rule or Regulation as aforesaid, such person shall be liable for any such offence to a penalty not exceeding Five Pounds.

Penalty.

What may be provided for by the Rules.

6—Any such Rules or Regulations as aforesaid may, among other things, provide for requiring Local Boards of Health to furnish such buildings and appliances, and appoint such Officers to carry out the Public Health Laws and Rules made thereunder, as may be necessary,—and for the giving of discretionary powers to Local Boards of Health and Health Officers to deal with outbreaks of infectious or contagious disease,—for the isolation and keeping isolated of any house,—or for the isolation and keeping isolated of any part of any street, lane or avenue in any part of any town or village,—and for the isolation and keeping isolated at the domicile any person suffering or suspected to be suffering from any such disease,—or for the removal to the Hospital or other place (if any) provided for the reception of persons suffering from any contagious or infectious disease, of any person being without proper lodging or accommodation, or lodged in a room occupied by more than one family, or being on board any ship or vessel, or whose friends are, by reason of their poverty, unable to supply the

necessary nursing and food,—and for regulating the interment of persons who die of such infectious or contagious disease,—for house to house visitation,—and for the disinfection or destruction of clothing and other articles likely to carry infection,—and also for the vaccination or re-vaccination of every person.

Provided that the said Rules and Regulations shall not be deemed to be restricted in their scope by the aforesaid enumeration of some of the things which may be provided for by them.

7—Any Rules and Regulations made under this Law shall be published in the Jamaica Gazette; and a copy of such Gazette containing any such Rules or Regulations shall be conclusive evidence of the terms and of the due making of the same.

Publication and evidence of Rules.

8—This Law and Law 6 of 1867, and the Laws in aid of or amending the same, shall be read and construed together as one Law:—Provided that in so far as any part of the said Laws may be inconsistent with any Rules or Regulations made under this Law, the said Laws shall be deemed to be suspended as to any Parish in which the said Rules and Regulations are in force, and only while they are so in force.

Incorporated with other Laws.

Proviso as to Rules inconsistent with such Laws.

9—Law 26 of 1886 shall be and the same is hereby repealed.

Repeal Clause.





## JAMAICA—LAW 16 OF 1887.

*The Railway Further Loan Law, 1887.*

[23rd May, 1887.]

**W**HEREAS it is desirable to empower the Governor to raise money, by way of loan, for the purpose of defraying the cost of the damages caused to the Jamaica Railway by the extraordinary floods of last year, and of making surveys of proposed extensions of the said Railway, and of extending the wharf accommodation in connection with the said Railway, and of constructing a Quay or Sea-wall in Kingston Harbour as may hereafter be determined:—

Preamble.

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows:—

1.—The Governor of Jamaica may from time to time, by the issue in England of Inscribed Stock under the Provisions of the Inscribed Stock Law, 1885, or by the issue, either in England or in Jamaica, of Debentures under this Law, or partly in one way and partly in another, raise any sum or sums not exceeding in the whole seventy thousand pounds, at a rate of interest not exceeding four and a half per centum per annum, to be applied in carrying out the several purposes set forth in the Schedule to this Law annexed, in the proportions therein provided.

Power to raise  
£70,000 for Rail-  
way and other  
purposes.

Schedule.



Loan charged on  
Island Revenues.

2—The principal moneys and interest secured under this Law are hereby charged upon and guaranteed by, and shall be payable out of, the General Revenues and Assets of the Government of Jamaica.

Debentures,  
amount of prin-  
cipal and interest.

3—Every Debenture issued under this Law shall be for a sum not less than twenty-five pounds sterling, and shall bear interest at a rate not exceeding four and a half per centum per annum, payable half-yearly.

Debentures,  
how to be signed.

4—The Debentures when issued in England shall be issued in London, on behalf of the Government of Jamaica, by the Crown Agents for the Colonies, (in this Law referred to as the Crown Agents,) and shall be signed by them on that behalf, and when issued in Jamaica shall be signed by the Colonial Secretary and Director of Public Works, and countersigned by the Treasurer of the Island of Jamaica.

Registry of Deben-  
tures.

5—Every Debenture issued in England shall, before being issued, be registered in a Register Book, to be kept for that purpose at the office in London of the Crown Agents; and every Debenture issued in Jamaica shall, before being issued, be registered in a Register Book, to be kept for that purpose at the Public Treasury.

Coupons for  
interest.

6—There shall be attached to every Debenture Coupons for the payment of the interest to become due in each half year upon the principal secured by the Debenture.

The Coupons shall be sufficient in number to provide for the payment of the interest, either during the whole period for which the Debenture has to run, or for such limited period as the Governor, or the Crown Agents acting on behalf of the Government of Jamaica in England, may determine.

Form of Deben-  
tures and Coupons.

7—The Debentures and the Coupons thereto may be in such form as the Governor, or Crown Agents acting on his behalf in England, may direct or approve.

Transfer thereof  
by delivery.

8—Every Debenture or Coupon, and the right to receive the principal and interest secured or represented thereby, shall be transferable by delivery.

9—So long as any of the Debentures remain outstanding the Governor shall, in each half year ending with the day on which the interest on the Debentures falls due, appropriate, out of the General Revenues and Assets of this Colony, a sum equal to one half year's interest on the whole of the Debentures previously issued, including any which may have been redeemed, and remit such portion of that sum as shall be equal to one half year's interest on the whole of the Debentures previously issued in England, including any which may have been redeemed, to the Crown Agents, at such time as will enable them to pay thereout the then current half year's interest on the then outstanding Debentures issued in England on the day when it falls due; and out of the remainder of that sum the Treasurer shall pay the then current half year's interest on the then outstanding Debentures issued in Jamaica on the day when it falls due, and the balance of that sum shall be invested by the Treasurer, under the direction of the Governor, towards the formation of a Fund applicable, in manner hereinafter provided, to the redemption of the Debentures issued in Jamaica.

Provisions for payment of interest and creating a fund for payment of principal.

After the expiration of five years from the day on which the first of the Debentures is issued, and so long thereafter as any of the Debentures remain outstanding, the Governor shall, in each half year ending as aforesaid, appropriate, out of the Revenues and Assets of this Colony, an additional sum equal to ten shillings sterling per centum on the total nominal amount of all the Debentures issued on or before the first day of that half year, including any which may have been redeemed, and remit such portion of that sum as shall be equal to ten shillings sterling per centum on the total nominal amount of all the Debentures issued in England on or before the first day of that half year, including any which may have been redeemed, to the Crown Agents with the remittance hereinbefore mentioned; and the remainder of that sum shall be invested by the Treasurer, under the directions of the Governor, towards the formation of the Fund hereinbefore mentioned applicable to the redemption of the Debentures issued in Jamaica.

Application of  
moneys remitted to  
England.

10—The Crown Agents shall, subject to the approval of Her Majesty's Principal Secretary of State for the Colonies for the time being, place and keep the moneys so remitted to them, or so much thereof as may not be required for immediate payments, on deposit at interest in their names with some Bank or Banks in London or Westminster, and shall hold all such moneys, and the accumulations thereon, in trust to apply them, in the first place in payment of the interest for the current half year upon the Debentures for the time being issued in England and outstanding, and in the next place in the formation of a Fund applicable, in manner hereinafter provided, to the redemption of the Debentures issued in England.

Interest,  
when and where  
payable.

11—The interest upon the principal secured by each Debenture shall run from the day named in that behalf in the Debenture, and shall be paid half yearly on the days named in that behalf in the Debenture, if issued in England at the office in London of the Crown Agents, and if issued in Jamaica at the Treasury of the Island.

Application of  
Funds appropriated  
for redemption of  
Debentures.

12—The Funds applicable under the Provisions of this Law in England and Jamaica respectively to the Redemption of Debentures shall be applied, in the first place in payment of all expenses of or incidental to the Redemption of Debentures, including the charges of the Notary Public attending at any drawing thereof, and the costs and expenses of all notices required by this Law to be given, and in the next place, subject to the aforesaid payments, in re-payment of the principal moneys for the time being secured by the Debentures.

Redemption of  
Debentures.

13—The Debentures, if issued in England shall, at the option of the Crown Agents, subject to the approval of Her Majesty's Principal Secretary of State for the Colonies for the time being, and if issued in Jamaica shall, at the option of the Treasurer subject to the direction of the Governor, be redeemed either by purchase in the open market or by annual drawings; and, subject to the aforesaid payments, the sums to be applied annually in England and Jamaica respectively to



such Redemption shall in each Country correspond as nearly as may be to, but not exceed, the amount applicable therein under the Provisions of this Law to the Redemption of Debentures.

14—After the expiration of five years from the day on which the first of the Debentures is issued, and so long thereafter as any of the Debentures remain outstanding and unsatisfied, the Crown Agents as to the Debentures issued in England, and the Treasurer if so directed by the Governor as to the Debentures issued in Jamaica, shall in every year, unless the whole of the money applicable in that year to the Redemption of Debentures has been applied in the purchase thereof, appoint respectively a day in that year for the drawing by lot of the Debentures to be redeemed.

Appointment of day for drawing by lot the Debentures to be redeemed in any year.

15—If a day is appointed for drawing, the Crown Agents as to the Debentures issued in England shall give by advertisement in the London Times newspaper, and the Treasurer as to the Debentures issued in Jamaica shall give by advertisement in the Jamaica Gazette and in not less than two newspapers published in the Colony, not less than fifteen days' previous notice, specifying the days on which, and the hours and places at which, the drawing will take place, and the nominal amount of the Debentures to be redeemed at those drawings respectively.

Notice of time for drawings.

16—On the day and at the hour and place so specified the Crown Agents and Treasurer respectively shall hold meetings, at which the holder of any Debenture may if he think fit be present, and shall then in the presence of such Debenture holders (if any) as may attend, and of a Notary Public, draw by lot, out of the whole number of Debentures for the time being outstanding, Debentures of the specified nominal amount.

Drawings of Debentures to be redeemed.

17—The Crown Agents and Treasurer respectively shall thereupon declare the distinguishing numbers of the Debentures drawn for Redemption, and shall as soon as may be, in case of Debentures issued in England by advertisement in the

Declaration of numbers drawn, and notice thereof and of time for payment.

London Times newspaper, and in case of the Debentures issued in Jamaica by advertisement in the Jamaica Gazette and in not less than two newspapers published in the Colony, specify those numbers, and appoint a day (not being later as to each Debenture than the day on which the then current half year's interest thereon is payable) on which the principal moneys secured by the Debentures so distinguished will be re-paid.

**Payment of such  
Debentures.**

18—On the day so appointed, the Crown Agents in respect of Debentures issued in England at their office in London, and the Treasurer in respect of Debentures issued in Jamaica, shall on demand pay to the holders of the Debentures drawn for re-payment the principal moneys secured by those Debentures, with all interest payable thereon up to that day.

**Cesser of interest  
thereon.**

19—From and after the day appointed for the re-payment of any Debenture all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal have or have not been demanded.

**Cancellation of  
redeemed Deben-  
tures.**

20—Upon the re-payment of the principal moneys secured by the Debenture, the Debenture with all the Coupons thereunto belonging, if issued in England shall be delivered up to the Crown Agents, and if issued in Jamaica to the Treasurer, to be by them respectively cancelled and forwarded to the Government of Jamaica.

Any Debenture redeemed by purchase shall likewise be so cancelled and forwarded.

**Cancelled Deben-  
ture not renewable.**

21—No money applied in Redemption of a Debenture shall be re-borrowed, and no Debenture shall be issued in respect of or in substitution for any cancelled Debenture.



SCHEDULE.

Schedule  
Section I.

For surveying the proposed extension of the two existing Branches of the Railway	£5,000	0	0
For extending the West Street wharf and connecting it with the Railway line	5,000	0	0
For a Sea or Quay Wall, as the case may be	40,000	0	0
To meet the cost of the flood damages, and awards of the Arbitrators in respect of the existing Railway	...	15,893	0 0
Unforeseen expenses	...	4,107	0 0
		<hr/>	<hr/>
	£70,000	0	0





## JAMAICA—LAW 17 OF 1887.

*The Resident Magistrates Law, 1887.*

[10th June, 1887.]

**W**HEREAS it is expedient to abolish the District Courts of this Island, and to substitute therefor Courts, the respective presiding Officers of which shall preside in Courts of Petty Sessions, and also have and exercise a limited jurisdiction in Civil and Criminal matters, and also exercise the functions at present exercised by the Clerks of Petty Sessions, in their capacity of Magistrates, in taking preliminary examinations and depositions in indictable cases, and also to provide a more summary and effectual mode of prosecuting indictable cases in the said Courts :—

Be it enacted by the Governor, with the advice and consent of the Legislative Council of the Island of Jamaica, as follows :—

1—In the construction of this Law, the term “Resident Magistrate” shall mean the Officer appointed as such under this Law ;—

The term “Resident Magistrate’s Court” shall mean a Court in which the Resident Magistrate sits in the exercise of the Civil or Criminal Jurisdiction assigned to him as such.

2—This Law shall come into operation on such day, not earlier than the first day of October in the present year, as the Governor shall by Proclamation name.

On and after the day named as aforesaid the present District Courts shall cease to exist.

Appointment of  
Resident Magis-  
trate.

3—The Governor shall from time to time appoint an Officer, to be styled "The Resident Magistrate," for each Parish in the Island, save as to the Parishes of Kingston and St. Andrew, for which one such Officer may be appointed.

City of Kingston  
Court.

4—The Resident Magistrate's Court for the Parishes of Kingston and St. Andrew, or for the Parish of Kingston or the Parish of St. Andrew, shall have no Civil Jurisdiction within the City of Kingston, or within so much of the Parish of St. Andrew as may be assigned, by order of the Governor, to the District of the City of Kingston Court, but the said Jurisdiction shall be exercised by the City of Kingston Court as if this Law had not been passed.

Qualification of  
Resident Magis-  
trate.

5—No person shall be appointed a Resident Magistrate under this Law unless he be a member of the English or Irish Bar, or of the Faculty of Advocates of Scotland, or a Solicitor of the Supreme Court of Judicature of England, Scotland, Ireland or Jamaica.

Transfer of Officers.

6—The Governor may at any time transfer a Resident Magistrate, or a Clerk of the Courts as hereinafter provided, from one Parish to another, so nevertheless that such Officer shall not suffer by any such transfer in point of emolument.

Salary of Resident  
Magistrate.

7—There shall be paid to the Resident Magistrates of the several Parishes such salaries, being not less than Six Hundred Pounds and not exceeding Nine Hundred Pounds, each by the year, as the Governor may in the case of each Parish determine. Such salary shall in each case be deemed to cover the cost of travelling.

He shall be a Jus-  
tice of the Peace.

8—Every Resident Magistrate shall be a Justice of the Peace for the Parish or Parishes to which he is appointed.

His duties as to  
Courts of Petty  
Sessions.

9—It shall be the duty of every Resident Magistrate, within his Parish, to attend as a Magistrate all Courts of Petty Sessions, and the said Officer when present at any such Court shall be entitled to preside thereat; and he shall, within the limits aforesaid, have all the powers and authority which are now, or which may hereafter be, by Law committed to and ex-

exercisable by any two Justices of the Peace associated and sitting together :—Provided always that nothing herein contained shall be taken to invalidate anything done at any Court of Petty Sessions at which the said Resident Magistrate is not present.

10—Every Resident Magistrate shall, within his Parish, take all necessary and requisite preliminary examinations and depositions on charges or informations for Indictable Offences triable in the Circuit Court.

*His duty as to taking preliminary examinations as to indictable offences.*

In holding any such examination, it shall be the duty of the said Officer to see that all proper evidence is brought forward and enquiries made, and with this view from time to time, in any case that may be brought before him, to give such instructions and directions to the Clerk of the Court, and to the local Inspector or other Officer of Constabulary intrusted with the conduct of such case, as may seem to him necessary.

11—It shall be lawful for the Justices of the Peace of any Parish from time to time to fix the times and places for the holding of Courts of Petty Sessions and Resident Magistrate's Courts throughout the Parish :—Provided that such fixtures shall be subject to the approval of the Governor in Privy Council, who may alter the times and places fixed by the Justices as he may see fit, and in the event of the Justices of any Parish failing to fix any times and places as aforesaid within two months prior to the expiration of any previous fixture made, it shall be lawful for the Governor in Privy Council to fix the times and places as aforesaid, without reference to the Justices :—Provided also that when any fixture has been made and approved as aforesaid the Governor may at any time alter the same.

*Times and places for holding Courts.*

On this Law first coming into operation the Governor shall, without reference to the Justices, for a period not exceeding six months fix the times and places for the holding of the said Courts in each Parish.

Notice of the times and places fixed for the holding of the Courts as aforesaid, and of any alteration of the same, shall be



put up in some conspicuous place in each Court House in the Parish, and in the office of the Clerk, and no other notice thereof shall be needed. The said notice shall be put up at least one month before the time so appointed or altered.

Any Court fixed as aforesaid may, if there be only one Justice present, be adjourned by such Justice, or in the absence of any Justice by the Clerk, to any day or place, whether or not such day or place has been fixed and approved as aforesaid.

Clerks of the Courts,—  
their appointment,  
and their duties in  
respect of Circuit  
Courts and Courts  
of Petty Sessions.

12—There shall be an Officer appointed in each Parish, or combination of Parishes, for which a Resident Magistrate is appointed, who shall be styled the "Clerk of the Courts of the Parish of \_\_\_\_\_," and who, within such Parish or combination of Parishes, shall have and exercise all the rights and powers, and perform all the functions, now by Law devolving on the Clerk of Petty Sessions, and shall be the Clerk to the Circuit Court of the Parish; save and except that he shall have no authority to take the preliminary examinations or depositions on charges or informations for Indictable Offences.

Their salary.

13—There shall be paid to the Clerks of the Courts of the several Parishes such salaries, being not less than Three hundred and fifty and not exceeding Five hundred Pounds, each by the year, as the Governor may in the case of each Parish determine. Such salary shall in each case be deemed to cover the cost of travelling.

Their qualification.

14—The qualification of the Clerk of the Courts shall be the same as that of a Resident Magistrate:—Provided always that any person now holding the Office of Clerk of Petty Sessions, or Clerk of a District Court, shall be eligible for the said Office.

Assistant Clerks.

15—Such Assistant Clerks shall<sup>a</sup> be appointed by the Governor in each Parish as may be found necessary, with salaries not exceeding £200 a year. Under a general or special Order of the Resident Magistrate, it shall be lawful for the Assistant Clerk to perform any duties belonging to the Office of Clerk of the Court, including the conduct of the prosecution in Criminal cases in which the<sup>b</sup> Clerk of the Court is re-

quired to prosecute. And such Assistant Clerk, while acting under any such Order, shall have the like powers and privileges, and be subject to the like provisions, duties, and penalties for misbehaviour, as if he were the Clerk of the Court for the time being.

16—The Clerk of the Courts for each Parish shall, within such Parish, have all the rights, powers and immunities, and perform all the duties, in relation to the Resident Magistrate's Court that are now performed by the Clerk of a District Court in relation to such District Court, and he shall be an Officer of the said Court.

Powers and duties of Clerk in relation to the Resident Magistrate's Court.

17—There shall be a Bailiff appointed by the Governor in each Parish.

Bailiffs.

The Bailiff of each Parish shall be an Officer of the Court of the Resident Magistrate of such Parish, and shall have all the rights, powers and immunities, and perform in relation to such Court all the duties that are now enjoyed or performed by the Bailiff in relation to the District Court of which he is the Bailiff.

18—Each Resident Magistrate within his Parish shall, to the amounts and to the extent and in the manner hereinafter provided, have a Criminal Jurisdiction, and shall also have a Civil Jurisdiction in all actions at law, whether arising from contract or tort, or from both, and in all suits in equity, and in all cases relating to land, and to all charges and incumbrances affecting or purporting to affect land, and in all cases in Bankruptcy, and in all cases of granting probate of wills, or administration of estates of intestates, and in all other civil procedures of any kind or nature whatsoever, and also in the recovery of all penalties or forfeitures to the Crown, and of fines in the nature of penalties under all Statutes and Laws now or hereafter to be in force relating to the Public Revenue, and also in cases under Law 2 of 1881, and in such causes, enquiries and matters, in which any special jurisdiction is given to the Judge of the District Court.

Jurisdiction of Resident Magistrates.

The Civil Jurisdiction aforesaid shall be subject to the same

## Schedule.

limitations to which the Jurisdiction of the District Courts is now subject under Law 22 of 1874 (save and except the Sections specified in the Schedule to this Law); and the said Law, save as aforesaid, and all Laws and Rules regulating the procedure and practice and powers of the District Courts, shall apply to the respective Resident Magistrate's Courts as if, throughout the said Laws and Rules, the term "Resident Magistrate" were substituted for the term "District Court Judge," and "Resident Magistrate's Court" for "District Court:"—Provided that in the exercise of his Civil Jurisdiction the Resident Magistrate may call upon one or more of the Honorary Justices of the Parish to assist him in the exercise of such Jurisdiction in any particular matter, and thereupon such Honorary Justice or Justices shall have an equal Jurisdiction with the Resident Magistrate.

Offences within the jurisdiction of the Resident Magistrate's Court.

19—It shall be lawful for the Resident Magistrate's Courts to hear and determine the Offences hereinafter mentioned (that is to say):—

The Offences specified in Sections 18, 22, 24, 28, 29, 31, 32, 33 and 43, of 27 Victoria, Chapter 32, entitled "An Act to consolidate and amend the Law relating to Offences against the person," as also common assaults, aggravated assaults, and assaults occasioning actual bodily harm.

Larceny and the Offences specified in Sections 3, 9, 10, 11, 13, 18, 19, 20, 21, 22, 25, 27, 35, 36, 40, 41, 42, 43, 45, 47, 49, 50, 52, 53, 54, 59, 60, 61, 62, 63, 65, 72, 73, 74, 75, 79, 80, 83, 85 and 86, of 27 Victoria, Chapter 33, entitled "An Act to consolidate and amend the Statute Laws relating to Larceny and other similar Offences:"—Provided that, in construing Sections 9 and 10, the killing or stealing any horse, mare, gelding, colt or filly, mule, bull, cow, ox, heifer or calf, shall not be within the Jurisdiction of the said Court; and the Jurisdiction under Sections 53 and 54 shall extend only to cases where the sum or aggregate sums stolen or embezzled shall not exceed five pounds.

The Offences specified in Sections 13, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 32 and 45, of 27 Victoria, Chapter 34, entitled "An Act to consolidate and amend the Statute Law relating to malicious injuries to property."



The Offences specified in Sections 51, 52, 53 and 54, of the Prison Law, 1882.

The Offences of forcible entry and detainer of land, and all Common Law Offences (not being felonies) unspecified in this Section, whether the punishment of such Common Law Offences has or has not been provided for by any Statute or Law.

The Offences over which by any Law Jurisdiction is given to the District Courts,

And the Offender on conviction shall be liable to the same punishment as for such Offences he is now or hereafter may be liable to.

Provided that no Resident Magistrate's Court shall award a sentence of more than one year's imprisonment, with or without hard labour, and a fine of Fifty Pounds.

When a person is sentenced to pay a fine, the Court may direct that if he fail to pay the fine at the time appointed for the payment thereof he shall suffer imprisonment till the fine be paid. Such imprisonment shall be in addition to any imprisonment (if any) to which he is sentenced for his Offence, and shall be with or without hard labour, at the discretion of the Court, as in the case of a sentence of imprisonment, and shall not exceed one-fourth of the maximum time for which he might be sentenced to imprisonment for his Offence by such Court, and shall not in any case exceed three months.

20—The Provisions of Law 22 of 1874 (save and except the Sections included in the Schedule to this Law) contained in Part VI, relating to Criminal Law, shall apply to the Resident Magistrates' Court.

Part VI. of Law 22 of 1874 partially incorporated. Schedule.

21—On a person being brought, or appearing before a Resident Magistrate, charged with any Indictable Offence, the Magistrate shall, after such enquiry as may seem to him necessary in order to ascertain whether the Offence charged is within his Jurisdiction, and can be adequately punished by him under his powers, make an Order, which shall be entered up by the Clerk in a Book to be kept for the purpose, that the accused person shall be tried, on a day to be named in the

Procedure in cases of persons charged with an Indictable Offence.

Order, in the Resident Magistrate's Court, or that a preliminary investigation shall be held with a view to a committal to the Circuit Court.

Commencement of trial of Indictable Offence in Resident Magistrate's Court.

22—The trial of any person before a Resident Magistrate's Court for an Indictable Offence shall be commenced by the Clerk of the Court preferring an Indictment against such person, and there shall be no preliminary examination.

Procedure on trial of such Offence.

23—Whenever an Indictment shall have been preferred before a Resident Magistrate's Court, charging any person with the commission of any Indictable Offence within the Jurisdiction of such Court, the Magistrate shall cause the same to be read to the person charged, and shall then ask him whether he is guilty or not of the charge.

If such person says that he is guilty the Magistrate shall thereupon cause a plea of guilty to be entered, and if such person says that he is not guilty the Magistrate shall cause such plea of not guilty to be entered, and unless good cause be shown to the contrary, the trial shall proceed:—

Provided always that it shall be lawful for any Resident Magistrate, at any stage of the trial prior to calling on the accused person for his defence, if it shall appear to him that the accused person ought to have been charged with a more serious crime than that of which he is accused, and which more serious crime is beyond his Jurisdiction, or that, having regard to the antecedents of the accused, or the nature and circumstances of the crime of which he is accused, the case cannot adequately be dealt with by him under his powers, to vacate the Order for the trial of such accused person before him, and to proceed to treat and deal with the case as one for the Circuit Court; and in any such case, if the accused person has pleaded, and whether any evidence has been taken or not, the Magistrate shall declare the Order aforesaid vacated and the trial at an end, and an entry shall thereupon be made in the Book, to be kept for the purpose as aforesaid, that the said Order has been vacated and that the trial is at an end, and thereupon the Magistrate shall deal with the case as one for the Circuit Court.



24—On the other hand, when the Resident Magistrate has begun to deal with a case as for the Circuit Court, and to take the depositions of the witnesses with a view to a committal for trial, if the crime with which the accused is charged is within his Jurisdiction, and it appears to him that such crime may be adequately punished by him, it shall be lawful for him to vacate the Order for a preliminary investigation, and to make an Order, to be entered up by the Clerk of the Court in the Book to be kept for that purpose as aforesaid, that the accused person be tried, on a day to be named in the Order, in the Resident Magistrate's Court.

Powers to vacate Order for preliminary investigation.

In such a case, the evidence of any witness taken before the Resident Magistrate ordered an indictment to be preferred before himself need not be taken again; but every such witness shall, if the accused person so require it, be re-called for the purpose of cross-examination, or further cross-examination.

25—Anything in this Law to the contrary notwithstanding, it shall be lawful for the Attorney General, in any case brought before a Resident Magistrate's Court, at any time before the accused person has stated his defence, by writing under his hand to require the Resident Magistrate to adjourn the case, or deal with it as one for the Circuit Court, and on receipt of such requisition the said Magistrate shall deal with the case accordingly.

Power to the Attorney General to give directions.

26—At any stage of a trial for an Indictable Offence before sentence, the Court shall amend or alter the Indictment so far as appears necessary, from the evidence or otherwise, and may direct the trial to be adjourned or recommenced from any point, if such direction appears proper in the interests either of the prosecution or of the accused person.

Powers of amendment of Indictment.

27—In any trial of an Indictment before a Resident Magistrate's Court, the Resident Magistrate shall have the same powers of adjourning the trial, and for that purpose of remanding the accused, as are possessed by him in cases where he is taking a preliminary examination under the Act 13 Victoria, Chapter 24, and it shall be his duty to grant such ad-

Powers of adjournment of trial of Indictment.

journments (taking care to secure the continued attendance of the accused and witnesses by committal or by recognizance) as the ends of justice shall appear to him to require.

Conduct of trial of  
Indictment.

28—In the trial of any Indictment before a Resident Magistrate's Court, at the close of the case for the prosecution the accused person shall be entitled to state his defence, and to call any witnesses he may have in attendance, and after he has called any such witnesses, if it appear to the Resident Magistrate, from the statement of defence or otherwise, that there are persons not in attendance at the Court whose evidence might be material in the interests of the accused, he shall ask the accused person if he desires to have such persons summoned as witnesses, and if such accused person answer in the affirmative,—or if the accused person apply to have any witnesses summoned, and the said Magistrate is of opinion that the evidence of such persons may be material in the interests of the accused,—the said Magistrate shall adjourn the trial, (taking all proper steps, either by remanding the accused person to prison or by taking a recognizance, to secure the attendance of the accused person,) and take the same steps to procure the attendance of such persons as he would take if they were witnesses for the prosecution.

Duty of Constabulary and Clerk to prepare cases for trial.

29—It shall be the duty of the principal Officer of Constabulary at the place where any Resident Magistrate's Court is held, with the assistance of the Clerk of the Court, to prepare all indictable cases for hearing on the earliest occasion on which the Resident Magistrate holds his Court, or presides at a Petty Sessional Court, at the most convenient place for dealing with the accused, and with this end to procure the attendance of all necessary witnesses, both for the prosecution and for the defence, at the Court to be holden at such place on such day.

Procedure in Indictable cases to be similar to that in summary cases.

30—Save as is herein, and in so much of Law 22 of 1874 as is hereinbefore made applicable to the Resident Magistrate's Court, expressly provided, the procedure before any Resident Magistrate's Court at the trial of any Indictable Offence shall be the same as near as may be as in the case of Offences punishable summarily.

31—It shall be lawful for any Justice of the Peace within whose Jurisdiction any Indictable Offence within the powers of the Resident Magistrate's Court has been committed, or is suspected to have been committed, before whom any person charged with such an Offence is brought, to bind over or commit (as the case may be) such person to appear at the next ensuing and most convenient Session of the Court (whether within the Jurisdiction of such Justice or not) having Jurisdiction in the case, there to be dealt with according to Law.

Power to Justice of Peace to bind over or commit for trial persons charged with Indictable Offences.

32—The attendance, as well of accused persons as of witnesses, before any Resident Magistrate's Court may be enforced by the same Officers, by the same process and in the same way, as the attendance of such persons before Justices of the Peace may be enforced under the Provisions of the Acts 13 Victoria, Chapter 24, and 13 Victoria, Chapter 35, and the Acts and Laws amending the same.

Enforcement of attendance of accused persons and witnesses.

33—Nothing in this Law shall be deemed to prevent the Resident Magistrate from hearing and disposing of, in his Court, any cases which by Law may be dealt with summarily that may be brought before him;—Provided that there shall be but one description of process in summary cases for both the Resident Magistrate's Court and the Court of Petty Sessions; and any process issued shall be indifferently for one Court or the other, having regard to convenience in respect of time and place.

Summary cases and process therefor.

34—All process of any District Court hereby abolished, whether prosecuted to final judgment or not, shall be transferred to and deemed to be the process of the Court of the Resident Magistrate in whose Parish such process issued, and shall be prosecuted to final judgment and enforced in like manner as if such process had originally been instituted, issued or prosecuted to final judgment, in such Resident Magistrate's Court; and all such process transferred as aforesaid the Officers of the Resident Magistrate's Court are hereby authorised and required to obey and enforce, as if the same had originally been the process of such Resident Magistrate's Court.

Pending cases in District Courts,—how to be transferred or dealt with.

Provided that it shall be lawful for any Resident Magis-



trate, if he thinks fit to do so, to allow any person to commence fresh proceedings, or to issue fresh process, free of charge in his Court, if it has Jurisdiction in the case, if such person had previously, whether before or after the coming into operation of this Law, commenced proceedings or issued process in the District Court, and the said Magistrate is of opinion that, in consequence of the changes effected by this Law, it is desirable that fresh proceedings or process should be commenced or issued.

Indictable Offences which stand for trial in the District Courts at the time of their abolition shall be tried in the Resident Magistrate's Court having Jurisdiction over the same.

Quarterly Reports  
of the administra-  
tion of each Court.

35—It shall be the duty of every Resident Magistrate quarterly, within fourteen days after the expiration of each quarter of a year, to transmit to the Supreme Court of Judicature of Jamaica, addressed to the Registrar of that Court, a Report of the Administration of his Court during the past quarter, shewing in detail the working of his Court, in such tabular form or other manner, and containing all such particulars in reference to the working of his Court, as the Governor shall from time to time direct:—Provided that no reports or returns shall be required of any Resident Magistrate as to any exercise of his Judicial functions or discretion in any case which may come before him.

Duty and powers of  
Supreme Court.  
Judges to deal with  
Reports.

36—It shall be the duty of the Judges of the Supreme Court to examine any such return that shall be so transmitted as aforesaid, and call the attention of the Resident Magistrate to any irregularity or neglect of duty on his part, censuring him if they think fit, and in cases of repeated irregularity or neglect of duty on the part of a Resident Magistrate it shall be the duty of the Judges of the Supreme Court to report the matter to the Governor.

Coroner.]

37—Every Resident Magistrate shall be the Coroner for his Parish.

Prohibitions affect-  
ing Magistrate and  
Clerk.

38—No Resident Magistrate or Clerk of the Courts shall practice at the Bar, or be directly or indirectly concerned as a

Solicitor, or shall be concerned in mercantile pursuits, or in the care or management of any estate.

And no Resident Magistrate or Clerk as aforesaid shall be the proprietor or lessee of land (except for the purposes of residence) in the Parish to which he shall have been appointed.

39—Every Resident Magistrate and every Clerk of the Court shall reside within the Parish for which he shall have been appointed. Their residence.

40—The Clerk of the Courts, or in his absence the Assistant Clerk, shall take notes of the evidence in every case heard before either the Resident Magistrate's Court or the Court of Petty Sessions; and the Resident Magistrate shall also take notes of the evidence in the trial of all Indictments, and in all civil suits where the amount or value at issue exceeds ten pounds. Notes of evidence, duty as to taking same.

41—A Resident Magistrate proposing to sue any person subject to his Jurisdiction may bring his suit in the Court of any adjoining Parish of which he is not the Magistrate; and any person proposing to sue a Resident Magistrate may bring his action or suit in the Court of a Parish adjoining that of which the defendant is the Resident Magistrate. Magistrate suing or being sued.

42—When the Resident Magistrate or the Clerk of the Courts of any Parish shall be incapacitated from illness, or absent, or unable to attend to his duties, or where a vacancy in the office of Resident Magistrate or Clerk of any Parish shall occur, the Governor may appoint any person qualified under this Law to be a Resident Magistrate to act temporarily as a Resident Magistrate of such Parish, and any fit and proper person, though such person may not be qualified under this Law for the office of Clerk of the Courts, to act temporarily as Clerk of the Courts of such Parish, and the persons so appointed shall have for the time being all the powers, and jurisdiction and privileges, of a Resident Magistrate or Clerk (as the case may be), but shall not be subject to the Provisions of Sections 38 and 39. Acting appointments of Magistrate or Clerk.



Limited special appointments of Magistrates to duties in other Parishes.

43—Any Resident Magistrate may, by appointment of the Governor, act also as Resident Magistrate of any other Parish, either generally for the whole Parish or for any particular Court or Courts, or on any particular occasion or occasions:— Provided that no such general appointment shall be made for more than one month at a time.

Repeal clause.

44—Law 16 of 1873 shall be and the same is hereby repealed,—and also Law 22 of 1874, save in so far as certain portions of the said Law are continued in force as applicable to the Resident Magistrate's Court.

Schedule.

#### SCHEDULE.

Sections 18 and 20.

Law 22 of 1874, Sections 22, 30, 241, 244, 245, 246, 248, 256, and the Proviso to Section 260.

## PRIVY COUNCIL REGULATIONS.

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### RULES RELATING TO THE DUTIES OF INSPECTORS OF THE POOR.

*Passed 24th November, 1886.*

The words "meetings of the Parochial Board" or "meetings of Committees of the Board" in the following Rules shall apply to such meetings in so far only as these relate to the relief or management of the Poor.

1—The Inspector of the Poor shall attend all meetings of the Parochial Board in so far as these relate to the relief or management of the Poor, and shall if required attend meetings of Committees of the Board.

2—The Inspector shall keep all the accounts and preserve and be responsible for all books, writings, letters, vouchers and other documents, relating to the management or relief of the Poor in his Parish and produce the same, when required, to the Board of Supervision, or to any person duly authorized by that Board to receive and inspect the same. All reports, rules, circulars and other documents, either printed or written, transmitted by the Board of Supervision to the Inspector of a Parish, are included in the books, writings, accounts and other documents relating to the relief or management of the Poor in the Parish for which the Inspector is responsible in terms of Section 21 of the Law, and which he is bound to transmit to his successor. Such documents are not the property of the Inspector or of any individual but are public records.

3—The Inspector shall from time to time prepare such reports as to the state and management of the Poor within the Parish as may be required by the Parochial Board or Board of Supervision.

4—The Inspector or Assistant Inspector shall enquire into and make himself personally acquainted with the circumstances of the case of each individual poor person receiving relief from the poor funds of the Parish.

5—The Inspector shall keep an accurate list or register of all persons receiving relief, and of the sums paid to each, and of the period during which such relief has been given; and he shall also keep a list of all those who have applied for and been refused relief, and in such cases he shall state shortly the grounds of refusal.

6—In every case in which application may be made to the Inspector for relief it shall be the duty of the Inspector to make immediate enquiry into the circumstances of the case, by visiting either personally or by an Assistant Inspector duly appointed by the Parochial Board the home of the applicant, if situated within his parish or district, and by making all necessary enquiries into the state of health, the ability to work and the means of support of the applicant, and to report the result of such enquiries to the Parochial Board at its next Meeting.

7—The Inspector, in addition to the two annual visits required by the Law, must from time to time visit at their dwellings, either personally or by an Assistant Inspector duly appointed, paupers recently admitted on the roll, especially those with whose habits and character he may not previously have been well acquainted, and likewise all such paupers as he may have reason to suspect of deception or of misapplying the relief given by the Parish.

8—It is the duty of the Inspector and of each Assistant Inspector to insert in a book kept for that purpose, the date of his visits to the dwelling of each pauper and any observations he may think it material to make on the conduct and condition of the pauper.

9. The Inspector should report to the Parochial Board at its next meeting all cases of misapplication by any pauper of the relief given by the Parish and should make it known to all the paupers that he is required so to do.

10—The Inspector shall return an answer to every application for relief within twenty-four hours of the time of its being made. If on such enquiry as he shall be able to make

within that time he shall be satisfied that the applicant is in a state of destitution and a fit object for parochial relief he shall make such an alimentary allowance as in the circumstances shall be reasonable, until the next meeting of the Parochial Board when he shall make a full report thereon. But if on such enquiry he shall be satisfied that the applicant is not legally entitled to relief he shall refuse the application and report the refusal, with his grounds for refusing it, to the Parochial Board at its next meeting; or if he shall be unable within the twenty-four hours to satisfy himself as to the true circumstances of the case he may delay making a final answer for any period which may appear to him necessary for completing his enquiries, but in that case he shall give such temporary relief, either in food or money as may seem necessary until his final answer is made to the applicant. And in every case of refusal of such application the Inspector shall deliver to the applicant a certificate signed by the Inspector which shall certify the fact, the grounds and the date of such refusal, and set forth the name of the person so refused.

11—Whenever any poor person who shall have become chargeable to the Parish shall be insane or imbecile the Inspector must forthwith report the same to the Parochial Board.

12—In all cases of sickness or accident befalling persons entitled to parochial relief and requiring immediate medical or surgical assistance the Inspector must, upon his own responsibility, take measures for procuring without delay medical aid in conformity with the provisions which may have been made and the instructions which he shall have received from the Parochial Board.

13—In every case of the sickness of or accident to any person in the receipt of parochial relief the Inspector must as soon as may be, and from time to time afterwards, visit the home of such sick person and supply him with such articles as may seem necessary, until the case shall have been reported at the next meeting of the Parochial Board.

14—The Inspector shall keep full and regular accounts of all moneys received and disbursed by him on account of the relief of the Poor.

15—An Inspector is not entitled to absent himself from the limits to which his duties extend without the permission of the Parochial Board or its Chairman or Vice-Chairman previously obtained and without having provided to its or their satisfaction for the performance of his duties during his absence.

16—No Inspector can by resignation divest himself of the obligation to discharge the duties of his office, and of the responsibilities arising therefrom, until his resignation has been tendered in writing to the Board of Supervision and has been accepted by it.

17—The Inspector in each Parish shall in terms of Section 35 enforce the provisions of the Bastardy Law 1881 and the Maintenance Law 1881 in every case in which the same are applicable and not inconsistent with the provisions of the Law for the Relief of the Poor, 1886.

18—The Inspector is bound to observe and execute all lawful orders and directions of the Parochial Board applicable to his Office.

ROBT. JOHNSTONE,

Secretary Board of Supervision.

Approved by Governor in Privy Council on 24th November, 1886.

S. P. MUSSON,

Acting Clerk Privy Council.

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RULES OF THE BOARD OF SUPERVISION AS TO FORMS OF BOOKS, &C.,  
TO BE KEPT BY INSPECTORS OF THE POOR AND FORMS TO BE  
PROVIDED TO MEDICAL OFFICERS.

*Passed 22nd December, 1886.*

The Board of Supervision having taken into consideration the necessity of securing "Unity of System" (Sec. 10) in the practical administration of the Law for the Relief of the Poor throughout the Island; and further considering that the parochial accounts of all sums received and expended for the relief and management of the Poor should be kept in such a manner as to enable the Inspector when required to make returns during the year and to make an annual return to the Board of Supervision, and having also in view the great convenience to the public service and the advantages in the administration of the Law which will arise from the use of similar books and forms have made the subjoined Rules:—

Rule I.—Every Inspector of the Poor shall keep in the annexed forms the following books and shall punctually enter therein the particulars required by the relative Instructions thereto appended, that is to say:—

1. Record of Applications—with Index.
2. General Register of Poor—with Index.
3. Children's separate Register—with Index.
4. Pay Roll of Registered Poor.
5. Visiting Book.
6. Cash Book.
7. Ledger—with Index.

Also—for use in his duties a supply of the following Forms:—

1. Application for Parochial Relief.
2. Certificate of Refusal of Relief.
3. Pay Ticket.
4. Order for Medical Report.
5. Medical Attendance Order.
6. Complaint of refusal of or of inadequate Relief.

For use of Medical Officer:—

1. Monthly Return of Sick Poor.
2. Intimation of Medical Comforts required.

For the use of Assistant Inspectors the following Books :—

1. Pay Roll of Registered Poor.
2. Visiting Book.
3. Cash Book.

And the following Forms :—

1. Application for Parochial Relief.
2. Certificate of Refusal of Relief.
3. Pay Ticket.
4. Order for Medical Report.
5. Medical Attendance Order.

Rule II.—No Inspector of the Poor or Assistant Inspector shall keep the records of the Parochial Board in any other form than that which is specified in Rule 1, unless with the special sanction of the Board of Supervision.

Rule III.—Every Inspector of the Poor shall provide himself, at the cost of the Parish, with the books and forms specified in Rule 1 (which on application will be supplied by the Government Printing Establishment), on or as soon after 1st January, 1887, as possible, at which date these Rules will come into operation.

ROBT. JOHNSTONE,  
Secretary Board of Supervision.

Sanctioned and approved by Governor in Privy Council on  
22nd December, 1886.

S. P. MUSSON,  
Acting Clerk Privy Council.

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